

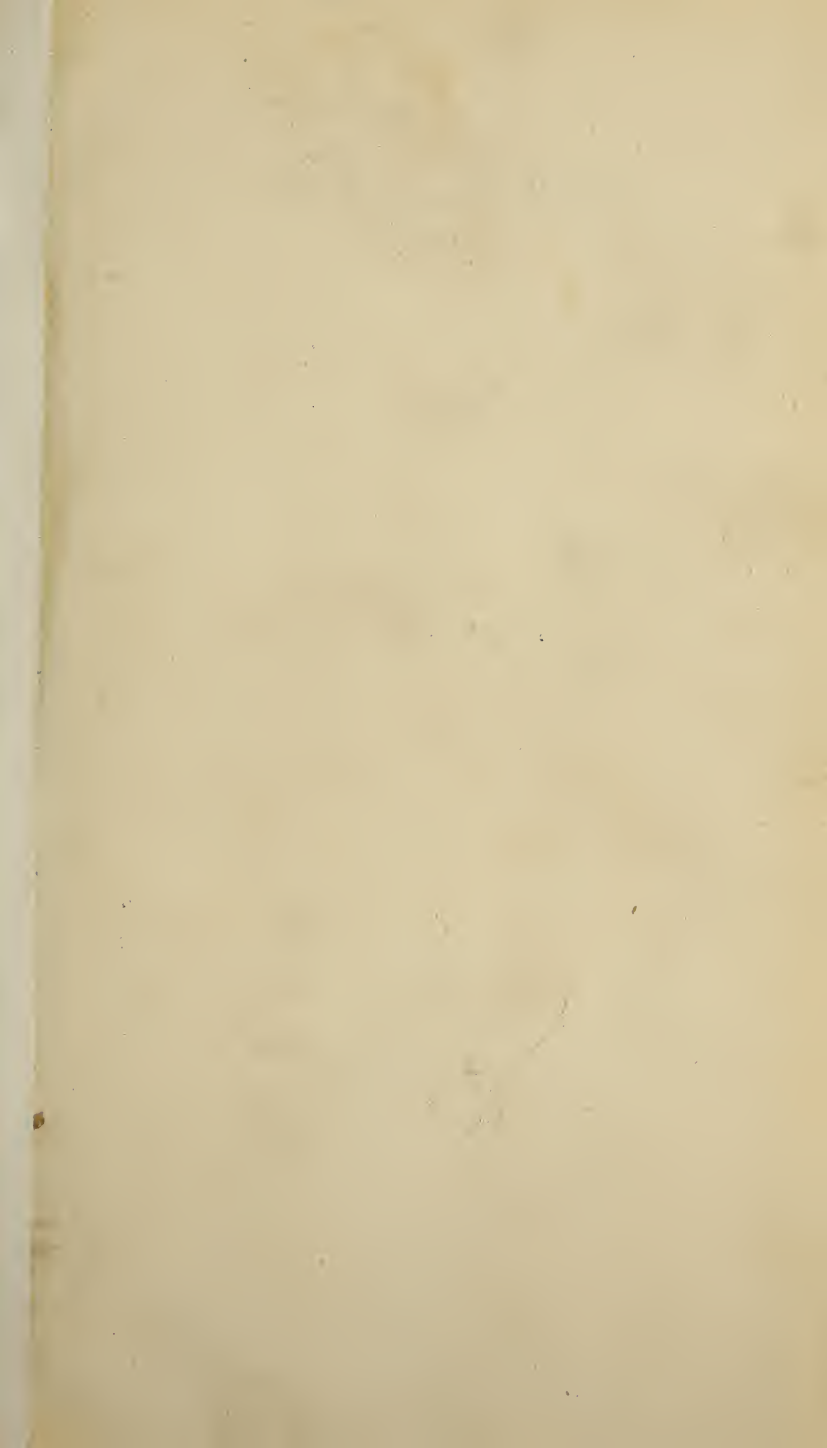


UNIVERSITY OF ILLINOIS  
LIBRARY

Class	Book	Volume
328.7811	K13	1879

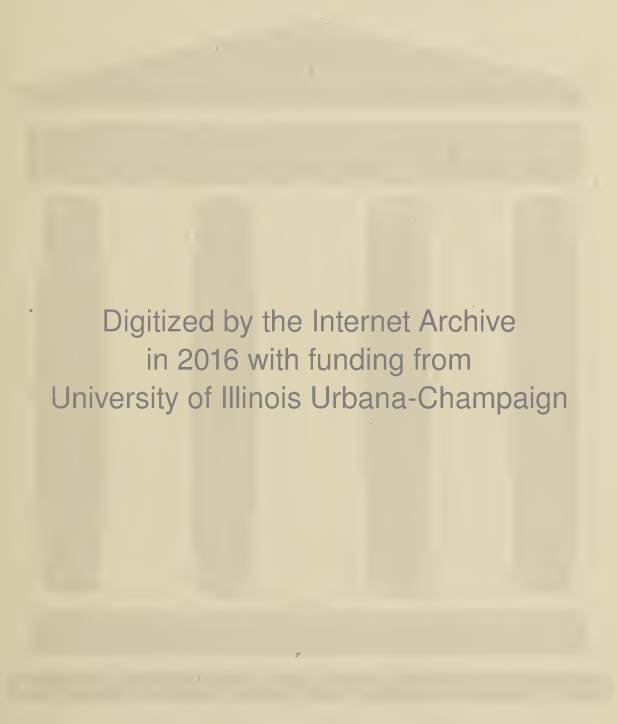
Ja 09-20M







*D. M. Valentine*



Digitized by the Internet Archive  
in 2016 with funding from  
University of Illinois Urbana-Champaign





# HOUSE JOURNAL.

---

PROCEEDINGS

OF THE

# HOUSE OF REPRESENTATIVES

OF THE

# STATE OF KANSAS.

---

FIRST BIENNIAL SESSION, BEGUN AT TOPEKA, JANUARY 14, 1879.

---

TOPEKA, KANSAS:  
GEO. W. MARTIN, KANSAS PUBLISHING HOUSE.  
1879.

3287811

K13

1879

LIBRARY OF THE  
BUREAU OF THE  
LAND OFFICE  
WASHINGTON, D. C.

# MEMBERS AND OFFICERS

OF THE

## HOUSE OF REPRESENTATIVES.

### MEMBERS.

DIST.	NAMES.	POST-OFFICE ADDRESS.	COUNTY.
1	KELLEY, PHILLIP.....	White Cloud.....	Doniphan.
2	KENNEDY, J. B.....	Troy.....	Doniphan.
3	SELOVER, A. J.....	Wathena.....	Doniphan.
4	PRICE, JNO. M.....	Atchison.....	Atchison.
5	SEATON, JNO.....	Atchison.....	Atchison.
6	BRIGGS, L. M.....	Muscotah.....	Atchison.
7	DONAHUE, JOS.....	Farmington.....	Atchison.
8	FARRIS, J. W.....	Winchester.....	Jefferson.
9	BUTTS, W. C.....	Valley Falls.....	Jefferson.
10	BEVEN, GEO. T.....	Leavenworth.....	Leavenworth.
11	GABLE, THOS. P.....	Leavenworth.....	Leavenworth.
12	LEGATE, JAS. F.....	Leavenworth.....	Leavenworth.
13	MILLER, CHAS. H.....	Leavenworth.....	Leavenworth.
14	HENDERSON, W. B.....	Pleasant Ridge.....	Leavenworth.
15	GABLE, FRANK M.....	Leavenworth.....	Leavenworth.
16	BLACKMAN, J. A.....	Loring (Wyandotte Co)...	Leavenworth.
17	ARMSTRONG, RUSSELL B.....	Wyandotte.....	Wyandotte.
18	JAMES, L. E.....	Kansas City, Kansas.....	Wyandotte.
19	GREEVER, G. W.....	Maywood.....	Wyandotte.
20	BREYFOGLE, L. W.....	Lenexa.....	Johnson.
21	SHAW, ARCH.....	Olathe.....	Johnson.
22	BRUNER, J. B.....	Gardner.....	Johnson.
23	RICHARDS, O. G.....	Eudora.....	Douglas.
24	CLARKE, SIDNEY.....	Lawrence.....	Douglas.
25	RIGGS, SAMUEL A.....	Lawrence.....	Douglas.
26	McMILLEN, M.....	Marion.....	Douglas.
27	ROBB, JAMES.....	Ottawa.....	Franklin.
28	TOWLE, J. A.....	Williamsburg.....	Franklin.
29	GAMES, JNO. W.....	Paola.....	Miami.
30	RICE, HENDERSON.....	Mound Creek.....	Miami.
31	MARTIN, JAS. G.....	Louisburg.....	Miami.
32	WAIT, J. D.....	Greeley (Anderson Co)...	Linn.
33	BIDDLE, W. R.....	Pleasanton.....	Linn.
34	SCOTT, W. B.....	Oakwood.....	Linn.
35	STEWART, JNO. J.....	Mill Creek.....	Bourbon.
36	SMITH, W. L.....	Redfield.....	Bourbon.
37	SALLEE, J. H.....	Fort Scott.....	Bourbon.
38	TALLMAN, T. W.....	Fort Scott.....	Bourbon.
39	MAJORS, E. W.....	Girard.....	Crawford.
40	HOSSACK, JAS. A.....	Girard.....	Crawford.
41	HELMICK, H. T.....	Weir City.....	Cherokee.
42	ANDERSON, T. P.....	Columbus.....	Cherokee.
43	GILLESPIE, J. S.....	Keelville.....	Cherokee.
44	MARTIN, J. H.....	Parsons.....	Labette.
45	BLANCHARD, H. C.....	Oswego.....	Labette.
46	CALVIN, T. J.....	Chetopa.....	Labette.
47	CORBIN, C. J.....	Cherryvale.....	Montgomery.
48	CLARK, A. B.....	Independence.....	Montgomery.
49	ROOD, J. P.....	Fawn Creek.....	Montgomery.
50	HALL, JNO.....	Osage Mission.....	Neosho.

## MEMBERS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

DIST.	NAMES.	POST-OFFICE ADDRESS.	COUNTY.
51	HARTSHORNE, R. D.....	Thayer .....	Neosho.
52	HANKINS, WM.....	Iola.....	Allen.
53	RATH, WM.....	Humboldt.....	Allen.
54	GILMORE, JNO. S.....	Fredonia.....	Wilson.
55	WOODARD, T. B.....	Neodesha.....	Wilson.
56	CLAPP, D. E.....	Yates Center.....	Woodson.
57	CUNNINGHAM, R. H.....	Garnett.....	Anderson.
58	RANDOLPH, A. M. F.....	Burlington.....	Coffey.
59	BARBER, M. L.....	Bancroft.....	Coffey.
60	DANHAUR, D. H.....	Lyndon.....	Osage.
61	BOWER, SOL.....	Olivet.....	Osage.
62	JAMES, THOS. M.....	North Topeka.....	Shawnee.
63	ANDERSON, THOS. J.....	Topeka.....	Shawnee.
64	ALEXANDER, W. D.....	Topeka.....	Shawnee.
65	MCCRUMB, LARDNER J.....	Alma.....	Wabaunsee.
66	KELLER, J. H.....	Holton.....	Jackson.
67	WILSON, W. H.....	Smithland.....	Jackson.
68	WALKER, E.....	St. George.....	Pottawatomie.
69	PRUNTY, L. C.....	Laclede.....	Pottawatomie.
70	BEATY, JOHNSON.....	Hiawatha.....	Brown.
71	PARSONS, HENRY A.....	Robinson.....	Brown.
72	STITT, E. G.....	Sabetha.....	Nemaha.
73	WILSON, M. L.....	America City.....	Nemaha.
74	HAMILTON, L. P.....	Beattie.....	Marshall.
75	SMITH, W. W.....	Waterville.....	Marshall.
76	SPILMAN, R. B.....	Manhattan.....	Riley.
77	MYERS, J. J.....	Alert.....	Riley.
78	CALLEN, A. W.....	Junction City.....	Davis.
79	TAYLOR, GEO.....	Bala (Riley Co).....	Clay.
80	HODGE, J. M.....	Abilene.....	Dickinson.
81	HUFFAKER, T. S.....	Council Grove.....	Morris.
82	WATSON, JNO. S.....	Emporia.....	Lyon.
83	LOY, JNO. W.....	Americus.....	Lyon.
84	RAYBELL, T. J.....	Virgil.....	Greenwood.
85	CLOGSTON, J. B.....	Eureka.....	Greenwood.
86	MORGAN, W. A.....	Cottonwood Falls.....	Chase.
87	KOLLOCK, F. H.....	Peabody.....	Marion.
88	MANNING, E. C.....	Winfield.....	Cowley.
89	LEONARD, M. R.....	Arkansas City.....	Cowley.
90	ALBIN, U. A.....	Augusta.....	Butler.
91	BRONSON, D. M.....	Eldorado.....	Butler.
92	GREIFFENSTEIN, WM.....	Wichita.....	Sedgwick.
93	TUCKER, S. M.....	Wichita.....	Sedgwick.
94	BERRY, H.....	Boston.....	Chautauqua.
95	HEWINS, E. M.....	Cedarvale.....	Chautauqua.
96	BARRACKMAN, K. H.....	Union Center.....	Elk.
97	GODFREY, CLARK R.....	Wellington.....	Sumner.
98	CONGDON, W. M.....	Sedgwick.....	Harvey.
99	MCCLINTICK, GEO. W.....	McPherson.....	McPherson.
100	FAULKNER, CHAS. E.....	Salina.....	Saline.
101	ELLISON, T. B.....	Minneapolis.....	Ottawa.
102	McKAY, D. C.....	Ames.....	Cloud.
103	COOL, JOSEPH.....	Delphos (Ottawa Co).....	Cloud.
104	BALLARD, D. E.....	Ballard Falls.....	Washington.
105	HUMES, T. J.....	Washington.....	Washington.
106	MOORE, W. M.....	Ida.....	Republic.
107	WHITE, GEO. L.....	Belleville.....	Republic.
108	BISHOP, GEO. S.....	Jewell Center.....	Jewell.
109	HUTCHISON, J. M.....	Jewell City.....	Jewell.
110	BAKER, FRANK E.....	Smith Center.....	Smith.
111	BROWN, C. J.....	Beloit.....	Mitchell.
112	WAIT, WALTER S.....	Lincoln Center.....	Lincoln.
113	ANDERSON, H. T.....	Keever.....	Ellsworth.
114	ECKLES, J. G.....	Raymond.....	Rice.
115	LAWSON, J. H.....	Hutchinson.....	Reno.
116	BISSELL, JNO.....	Phillipsburg.....	Phillips.
117	BULL, H. C.....	Bull City.....	Osborne.
118	EASTLAND, W. G.....	Russell.....	Russell.
119	EGGERS, L. F.....	Hays City.....	Ellis.
120	BRINKMAN, G. L.....	Great Bend.....	Barton.
121	WAITE, DAVIS H.....	Larned.....	Pawnee.
122	WRIGHT, R. M.....	Dodge City.....	Ford.



## MEMBERS OF THE HOUSE OF REPRESENTATIVES—CONCLUDED.

DIST.	NAMES.	POST-OFFICE ADDRESS.	COUNTY.
123	HAMILTON, JNO. R.....	Norton.....	Norton.
124	WILEY, JOHN E.....	Kinsley.....	Edwards.
125	EWING, W. P.....	Medicine Lodge.....	Barbour.
126	BOGGS, S. S.....	Rooks Center.....	Rooks.
127	STUMBAUGH, F. S.....	Walnut City.....	Rush.
128	FISLER, H. C.....	Anthony.....	Harper.
129	MARTIN, J. C.....	Kingman.....	Kingman.

## OFFICERS.

NAME.	OFFICE.	POST OFFICE.	COUNTY.
SIDNEY CLARKE.....	Speaker.....	Lawrence.....	Douglas.
JNO. M. PRICE.....	Speaker <i>pro tem</i> .....	Atchison.....	Atchison
WIRT W. WALTON.....	Chief Clerk.....	Winfield.....	Cowley.
ED. W. WAYNANT.....	Asst. Chief Clerk.....	Blue Rapids.....	Marshall.
WM. HIGGINS.....	Sergeant-at-Arms.....	Columbus.....	Cherokee.
I. V. PRATT.....	Asst. Sergeant-at-Arms..	Hays City.....	Ellis.
C. E. WESTLING.....	Docket Clerk.....	Salina.....	Saline.
J. C. HEBBARD.....	Journal Clerk.....	Seneca.....	Nemaha.
D. B. EMMERT.....	Minute Clerk.....	Wichita.....	Sedgwick.
EMMA FERGUSON.....	Enrolling Clerk.....	Topeka.....	Shawnee.
MARIA CHENEY.....	Engrossing Clerk.....	Silver Lake.....	Shawnee.
DAVID LUCAS.....	Postmaster.....	Marion Center.....	Marion.
JNO. DONAHUE.....	Doorkeeper.....	Farmington.....	Atchison.
W. S. EAGLESON.....	Asst. Doorkeeper.....	Topeka.....	Shawnee.



# HOUSE JOURNAL.

---

HALL OF HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, January 14, 1879. }

The first biennial session of the Legislature of the State of Kansas began on Tuesday, the 14th day of January, A. D. 1879, this being the day designated by the constitution for the meeting of the Legislature.

The House of Representatives was called to order, at 12 o'clock M., by Hon. James Smith, Secretary of State

The roll of the House was called by districts. The gentlemen answering to their names came forward and subscribed the following oath of office, which was administered by Hon. D. M. Valentine, Associate Justice of the Supreme Court of the State of Kansas:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

We do solemnly swear that we will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Representatives of the State of Kansas. So help us God.

(Signed)

PHILIP KELLY.  
JNO. M. PRICE.  
JOS. DONAHUE.  
GEO. T. BEVINS.  
CHAS. H. MILLER.  
J. A. BLACKMAN.  
G. W. GREEVER.  
J. B. BRUNER.  
SAMUEL A. RIGGS.  
J. A. TOWLE.  
JAS. G. MARTIN.  
WM. B. SCOTT.  
J. H. SALLEE.  
JAS. A. HOSSACK.  
J. S. GILLESPIE.

J. P. KENNEDY.  
JNO. SEATON.  
J. W. FARRIS.  
THOS. P. GABLE.  
WM. HENDERSON.  
RUSSELL ARMSTRONG.  
L. W. BREYFOGLE.  
O. G. RICHARDS.  
M. McMILLEN.  
JOHN W. GAMES.  
J. D. WAIT.  
JNO. J. STEWART.  
T. W. TALLMAN.  
H. T. HELMICK.  
J. H. MARTIN.

A. J. SELOVER.  
L. M. BRIGGS.  
W. C. BUTTS.  
JAS. F. LEGATE.  
FRANK M. GABLE.  
L. E. JAMES.  
ARCH. SHAW.  
SIDNEY CLARKE.  
JAMES ROBB.  
HENDERSON RICE.  
W. R. BIDDLE.  
W. I. SMITH.  
E. W. MAJORS.  
T. P. ANDERSON.  
H. C. BLANCHARD.

T. J. CALVIN.	C. J. CORBIN.	A. B. CLARK.
J. P. ROOD.	JNO. HALL.	R. D. HARTSHORNE.
WM. HANKINS.	WM. RATH.	JNO. S. GILMORE.
T. B. WOODARD.	D. E. CLAPP.	R. H. CUNNINGHAM.
A. M. F. RANDOLPH.	M. L. BARBER.	D. H. DANHAUR.
SOL. BOWER.	THOS. M. JAMES.	THOS. J. ANDERSON.
W. D. ALEXANDER.	LARDNER J. McCRUMB.	J. H. KELLER.
W. H. WILSON.	E. WALKER.	L. C. PRUNTY.
JOHNSON BEATY.	HENRY A. PARSONS.	E. G. STITT.
M. L. WILSON.	L. P. HAMILTON.	W. W. SMITH.
R. B. SPILMAN.	J. J. MYERS.	A. W. CALLEN.
GEO. TAYLOR.	J. M. HODGE.	T. S. HUFFAKER.
JNO. S. WATSON.	JNO. W. LOY.	T. J. RAYBELL.
J. B. CLOGSTON.	W. A. MORGAN.	F. H. KOLLOCK.
E. C. MANNING.	M. R. LEONARD.	U. A. ALBIN.
D. M. BRONSON.	WM. GREIFFENSTEIN.	S. M. TUCKER.
H. BERRY.	E. M. HEWINS.	K. H. BARRACKMAN.
CLARK R. GODFREY.	WM. M. CONGDON.	GEO. W. McCLINTICK.
CHAS. E. FAULKNER.	T. B. ELLISON.	D. C. McKAY.
JOSEPH COOL.	D. E. BALLARD.	T. J. HUMES.
W. M. MOORE.	GEO. L. WHITE.	GEO. S. BISHOP.
J. M. HUTCHISON.	FRANK E. BAKER.	C. J. BROWN.
WALTER S. WAIT.	H. T. ANDERSON.	J. G. ECKLES.
J. H. LAWSON.	JNO. BISSELL.	H. C. BULL.
W. G. EASTLAND.	L. F. EGGERS.	G. L. BRINKMAN.
DAVIS H. WAITE.	R. M. WRIGHT.	JNO. R. HAMILTON.
JOHN E. WILLEY.	W. P. EWING.	S. S. BOGGS.
H. C. FISLER.	J. C. MARTIN.	

Sworn and subscribed to before me, this 14th day of January,  
A. D. 1879. D. M. VALENTINE,  
*Associate Justice Supreme Court of the State of Kansas.*

#### AFFIRMATION.

I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of a member of the House of Representatives of the State of Kansas. This I do under the pains and penalties of perjury. (Signed) F. S. STUMBAUGH.

Subscribed and affirmed to before me, this the 14th day of January, A. D. 1879. D. M. VALENTINE,  
*Associate Justice Supreme Court of the State of Kansas.*

Mr. Smith, of Marshall, moved that Hon. J. M. Hodge, of Dickinson, be elected temporary Speaker by acclamation, which motion prevailed.

Whereupon the chair appointed Messrs. Smith, of Marshall, and Riggs, of Douglas, to conduct Mr. Hodge to the Speaker's stand.



In assuming the duties of the office, Mr. Hodge spoke as follows:

SPEECH OF MR. HODGE.

*Gentlemen of the House of Representatives:* The selection you have made is entirely unexpected to me, and I assure you I feel very grateful for the honor conferred. Unskilled as I am in the matter, I should feel embarrassed in the position did I not know the generosity of the members of this body, who will kindly overlook any errors that I may make.

I shall rely upon the assistance of all to aid me in the discharge of the difficult duties of the position. The House will now proceed to the election of temporary Clerks.

On motion, Messrs. Gilmore, of Wilson, and Blackman, of Leavenworth, were elected temporary Clerks, by acclamation.

On motion, the House adjourned.

JNO. S. GILMORE,  
J. A. BLACKMAN,  
*Clerks.*

AFTERNOON SESSION.

HALL OF HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 14, 1879. }

House called to order; temporary Speaker Hodge in the chair.

Roll called. The following-named gentlemen answered to their names: Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clarke of Douglas, Clark of Montgomery, Clogston, Congdon, Cool, Corbin, Cunningham, Danbaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hender-son, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kol-

lock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wille, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and temporary Speaker Hodge.

Mr. James, of Wyandotte, offered the following resolution:

*Resolved*, That the House now proceed to the election of a Speaker, Speaker *pro tem.*, Chief Clerk, Assistant Chief Clerk, Journal Clerk, Engrossing Clerk, Enrolling Clerk, Docket Clerk, Chaplain, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, First Assistant Doorkeeper, Second Assistant Doorkeeper, Postmaster, and eight Pages.

On motion, the resolution was adopted.

Mr. Legate moved that the temporary Speaker appoint a temporary Sergeant-at-Arms.

The motion prevailed; whereupon the Speaker appointed Hon. Jacob Moon, of Lyon county.

Mr. Ballard moved that the rules of the House of 1877, and the joint rules of the House and Senate, be adopted as the rules of this House until otherwise ordered, which motion prevailed.

#### HOUSE RULES OF 1877, ADOPTED TEMPORARILY FOR 1879.

##### MEETING, QUORUM, ETC.

RULE 1. The hours of meeting each day shall be 10 o'clock A. M., and 2 o'clock P. M., unless a different time be prescribed by resolution.

RULE 2. A majority of all the members elect shall constitute a quorum.

RULE 3. In all cases of the absence of a quorum during the session of the House, the members present may take such measures as they shall deem necessary to secure the presence of a quorum; and they may inflict such censure, or pecuniary penalty, as they may deem just, on those who, being called for that purpose, shall render no sufficient excuse for their absence.

## OF ADMISSIONS TO THE FLOOR.

RULE 4. The following classes of persons, and no others, shall have admission to the floor of the House:

1. All members and officers of the Legislature.
2. State officers.
3. Reporters of the public press.
4. Judges of the Supreme and District Courts.
5. Ladies.
6. Ex-members of the Legislature.
7. Ex-State officers.
8. Such persons as members may invite, the invitation to be given in writing.

## OF THE OFFICERS.

RULE 5. The Speaker shall take the chair, each day, at the hour to which the House shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 6. The Speaker shall not be compelled to vote except where his vote will change the result, except where the vote is taken by yeas and nays.

RULE 7. The Speaker shall possess and perform the duties herein prescribed, namely:

1. He shall preserve order and decorum.
2. He shall decide all questions of order, subject to appeal to the House. On every appeal, he shall have the right, in his place, to assign his reasons for his decision.
3. He shall appoint all committees except when the House shall otherwise direct, and shall appoint all necessary Enrolling and Engrossing Clerks on the recommendation of the Enrolling and Engrossing Clerks, and all appointments shall be announced in open session and made a matter of record.
4. He may, in the absence of the Speaker *pro tem.*, substitute any member to perform the duties of the chair, for a period not exceeding two consecutive legislative days, but for no longer period, except by special consent of the House.
5. When the House shall be ready to go into committee of the whole, he shall name a chairman to preside.
6. He shall sign all bills passed by the House, and certify the passage of all bills that may be passed over the Governor's veto, with the date of their passage.

RULE 8. In the absence of the Speaker, the Speaker *pro tem.* shall perform all the duties of Speaker.

RULE 9. It is the duty of the Chief Clerk to keep a faithful record of all the proceedings of the House; to call the roll; report correctly the results of voting, yea-and-nay, and division votes; read, or cause to be read, the Journal, and all bills, resolutions, petitions or other papers which the House may require; deliver all messages to the Senate; deliver all bills to be engrossed to the Engrossing Clerk and all bills to be enrolled to the Enrolling Clerk, and take their receipts for the same.

RULE 10. It is the duty of the Assistant Clerk to aid the Chief Clerk in the performance of his duties, and to perform the same in the absence of the Chief Clerk.

RULE 11. It is the duty of the Journal Clerk to furnish the Chief Clerk, each morning, a correct copy of the Journal of the preceding day.

RULE 12. It is the duty of the Docket Clerk to keep a correct record of the number, title and state of every bill, resolution, memorial, etc., and furnish the Sergeant-at-Arms, every evening, with a correct copy of the number and title of all bills, etc., that shall come under the head of general and special orders for the ensuing day.

RULE 13. It is the duty of the Engrossing Clerk to copy, correctly, all bills and other papers ordered to be engrossed, and deliver the engrossed and original copies to the Committee on Engrossed Bills, and keep a record of all engrossed bills, specifying the time of receiving and time of delivering the same to the Committee on Engrossed Bills, and shall furnish to the Docket Clerk a list of all bills engrossed, specifying the time when engrossed.

RULE 14. It is the duty of the Enrolling Clerk to copy, correctly, all bills and other papers ordered to be enrolled, and deliver the enrolled and original copies to the Committee on Enrolled Bills, and to keep a record similar to that provided for in Rule 13.

RULE 15. No bill pending shall be allowed to go out of the hands of the clerk in whose keeping the same may be, except when delivered to the proper committee, and then only upon a written receipt therefor.

RULE 16. It shall be the duty of the Sergeant-at-Arms to



deliver to the printer all bills, etc., ordered to be printed, except the Journals; return and distribute the printed copies; procure all stationery, etc., and execute all orders of the House not otherwise provided for. He shall have the general supervision of the hall of the House of Representatives, committee and clerk rooms, and shall preserve order within the hall, lobby and galleries, and may arrest and take into custody any persons for disorderly conduct.

RULE 17. It shall be the duty of the Doorkeeper and assistants to see that no person is admitted within the bar, except those admitted by rule or special order. They shall brush and arrange the desks and hall, procure water, and keep the hall properly warmed and ventilated, and execute all orders directed to them by the House or Sergeant-at-Arms.

#### OF THE COMMITTEES.

RULE 18. Standing committees, consisting of seven members each—except the Judiciary, Ways and Means, County Lines and County Seats, and Appropriation committees, which said committees shall consist of nine members each, and Apportionment and Railroad committees, which shall consist of seven members each—shall be appointed by the Speaker, on the following subjects:

1. Judiciary.
2. Ways and Means.
3. Appropriations.
4. Needed Legislation.
5. Assessment and Taxation.
6. Retrenchment and Reform.
7. State Affairs.
8. Railroads.
9. Transportation.
10. Federal Relations.
11. Finance.
12. Private Corporations.
13. Municipal Corporations.
14. Internal Improvements.
15. Charitable Institutions.
16. Educational Institutions.
17. Public Lands.
18. Public Buildings and Grounds.

19. Agricultural College.
20. Elections.
21. Militia.
22. Education.
23. Roads and Highways.
24. Printing.
25. Fees and Salaries.
26. County Lines and County Seats.
27. Agriculture.
28. Manufactures.
29. Penitentiary.
30. Claims.
31. Accounts.
32. Engrossed Bills.
33. Enrolled Bills.
34. State Library.
35. Immigration.
36. Insurance.
37. Apportionment.
38. Mines and Mining.
39. Inter-State Commerce.
40. Revision of the Laws.
41. Public Expenditures.
42. Mileage.
43. Local Legislation.

RULE 19. No member shall be appointed upon the committee of any of the institutions, who resides in the Representative district where the institution is located.

RULE 20. It shall be the duty of each committee to inquire into the matters indicated by its name, and to report thereon to this House any information on the subject, and any bill or resolution which it may deem conducive to the public good, and to perform such duties as are performed by similar committees in the Congress of the United States; and any bill referred to a committee shall be reported back to the House within five days after reference, unless further time shall be given by the House.

#### OF THE JOURNAL, AND ORDER OF BUSINESS.

RULE 21. The first business of each day's session shall be the calling of the roll; after which the Journal shall be read and corrected.

RULE 22. The order of business, except on days and at times set apart for the consideration of special orders, shall be as follows, to wit:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Communications from the State officers.
6. Messages from the Senate.
7. Original motions and resolutions.
8. Consideration of motions and resolutions offered on a previous day.
9. Introduction of bills.
10. Second reading and reference of bills.
11. Third reading of bills reported by the committee of the whole.
12. General orders of the day, consisting of bills ready to be considered in committee of the whole.

RULE 23. The unfinished business before the House at the time of adjournment, shall have precedence in the orders of the day.

RULE 24. Concurrent resolutions from either house, and Senate's amendments to House bills, shall be in order at any time when no question is pending.

#### OF GENERAL AND SPECIAL ORDERS.

RULE 25. Bills that have been reported by a standing or select committee shall constitute the general orders, and their titles shall be recorded in a calendar, prepared by the Docket Clerk, in the order in which they are reported from the committee.

RULE 26. When general orders are reached in the regular order of business, the House shall go into committee of the whole upon the calendar, and consider the bills in their order; and no bill upon the calendar shall be substituted for the one under consideration.

RULE 27. Any matter may be made the special order for any particular time or day, by the consent of two-thirds of the members voting.

RULE 28. Each member shall be furnished with a copy of the daily calendar, prepared by the Docket Clerk, which shall include the bills on third reading, and the general orders.

## ORDER OF PROCEEDINGS, DECORUM, ETC.

RULE 29. Petitions, memorials, and any other paper addressed to the House, shall be presented by a member in his place, or by the Speaker.

RULE 30. Each member presenting a petition, memorial, bill, or report of a committee, shall indorse the same with his name or the name of the committee, and a brief statement of its subject.

RULE 31. Each member, within the House, when a question is stated by the chair, shall vote thereon, in his place, unless he be excused by the House. No member shall vote on a question in which he may have a personal or pecuniary interest.

RULE 32. Any member claiming the floor shall rise in his place and address the Speaker, and shall not proceed until recognized by him. No member shall be recognized by the Speaker who shall have been standing on the floor during the time any other member shall have had the floor, without such member first taking his seat and rising, when he shall address the Speaker.

RULE 33. While a member is speaking, no other member shall entertain any private discourse, or pass between him and the chair.

RULE 34. While the Speaker is putting a question, or a vote or count is being had, no member shall speak or leave his place.

RULE 35. If any member, in speaking, transgress the rules of the House, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately take his seat, and retain it, unless he rises to explain, or proceed in order.

RULE 36. In all cases where a bill, order, motion or resolution shall be entered on the Journal, the name of the member introducing or moving the same shall be entered.

## ORDER OF DEBATE.

RULE 37. No member shall speak more than once to the same question without leave of the House, unless it be the mover, proposer or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken. Members may address the House from the Clerk's desk, or from a place near the Speaker's chair. The right of the member introducing or reporting the measure, to open and close the debate, shall not be affected by

an order either for the previous question or that debate shall cease; and while a member is occupying the floor, he may yield it to another for explanation of the pending measure, as well as for personal explanation, or for a motion to adjourn, or that the committee rise, without losing his right to reoccupy it for the remainder of his time, whenever the pending question shall be resumed.

RULE 38. When a question shall be under consideration, no motion shall be received except as herein specified, which motion shall have precedence in the order stated, viz.:

1. For adjournment of the House.
2. For call of the House.
3. To lay on the table.
4. For the previous question.
5. To postpone to a certain day.
6. To commit to the Committee of the Whole.
7. To commit to a standing committee.
8. To commit to a select committee.
9. To amend.
10. To indefinitely postpone.

The motion to reconsider shall take precedence of all other questions, except the motion to adjourn.

RULE 39. No subject different from that under consideration shall be admitted under color of amendment.

RULE 40. All questions relating to priority of business shall be decided without debate.

RULE 41. The motion to adjourn shall always be in order, except while the yeas and nays are being taken, and until announced, or when a member has the floor, or while the previous question is pending; but a motion to *adjourn to a time certain* is not equivalent to a motion to "adjourn."

RULE 42. The yeas and nays may be taken on any question, whenever so required by any five members (unless a division of yeas and nays be already pending), and when so taken shall be entered on the Journal.

RULE 43. A call of the House shall be ordered on the demand of any five members, on the taking of a vote on any bill or resolution.

RULE 44. The motion to adjourn, for a call of the House, and to lay on the table, shall be decided without amendment or de-



bate. The several motions to postpone or commit shall preclude all debate on the main question.

RULE 45. Every motion shall first be stated by the Speaker, or read by the Clerk, before debate, and again immediately before putting the question; and every motion, except those specified in the 38th rule, shall be reduced to writing, if the Speaker or any member desire it: *Provided*, That the motion to amend shall be reduced to writing, if required by the Speaker.

RULE 46. If any question contain distinct propositions, it shall be divided by the chair, at the request of any member; but a motion to strike out and insert shall be indivisible.

RULE 47. When different sums and times are moved in filling blanks, the question shall first be put on the largest sum and the longest time.

RULE 48. No motion for reconsideration of any vote shall be in order, unless on the same day, or the following legislative day to that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject or vote be a second time reconsidered without unanimous consent.

#### OF THE PREVIOUS QUESTION.

RULE 49. The "previous question" shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendment or debate. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted by the committee of the whole and not acted on in the House, the question shall be taken upon such amendments in like order, and without further debate or amendment.

#### OF BILLS—REFERENCE, PRINTING, ETC.

RULE 50. Each bill, when introduced, shall be sent to the Clerk, who shall read its title. This the Speaker shall announce as the first reading of the bill.

RULE 51. Upon the next day it shall be read (by its title,



unless five members shall demand its reading in full), and be referred to the appropriate standing, or to a select committee.

RULE 52. No bill shall be introduced, except as provided in Rule 22, unless by unanimous consent.

RULE 53. All bills for the appropriation of money shall, on their second reading, be referred to the Committee on Appropriations or to the Committee on Ways and Means, unless otherwise ordered by a majority of the House.

RULE 54. Bills reported by committees shall go upon the calendar, as part of the general orders, unless otherwise ordered. Bills reported upon favorably shall be printed, with report of the committee thereon; but if the committee report an entire bill as a substitute, or propose to strike out all after the enacting clause, and insert a new bill, the new bill or substitute so reported (with the report thereon), shall be printed, and the original bill shall not be printed, unless the House so order. Bills reported unfavorably shall not be printed, unless ordered printed by the House.

#### COMMITTEE OF THE WHOLE.

RULE 55. Bills and other matters shall be considered in committee of the whole in the following manner, viz.: They shall first be read through, unless the committee shall otherwise order; and unless the committee shall recommend that the enacting clause be stricken out, they shall be read and considered by sections, leaving the title to be last considered.

RULE 56. A motion to rise and report shall be in order at any stage, and shall be decided without debate.

RULE 57. If at any time, when in the committee of the whole House, it be ascertained that there is no quorum present, the chairman shall immediately vacate the chair, and report the fact to the Speaker.

RULE 58. The same rules, except 37, shall be observed in the committee of the whole as in the House, so far as the same are applicable, except that the previous question shall not apply, nor shall the yeas and nays be taken.

#### PROCEEDINGS SUBSEQUENT TO THE COMMITTEE OF THE WHOLE.

RULE 59. Bills reported by the committee of the whole shall still be subject to debate before the question to engross or its final passage is put. Such amendments only shall be in order as were

offered in the committee of the whole; and where a bill shall be reported with the recommendation that the enacting clause be stricken out, and the report shall be agreed to by the House, it shall be considered as rejected.

RULE 60. After being reported by the committee of the whole, if the bill is not rejected, it may be ordered to be engrossed for a third reading.

RULE 61. All bills shall be engrossed in the order in which they have been directed to be engrossed by the House. But when a bill is written in a plain and distinct handwriting, or is printed, without interlineations or erasures, such bill may be reported by the Committee on Engrossed Bills as correctly engrossed, without causing the same to be rewritten or engrossed.

RULE 62. On the next or some subsequent day it shall be read a third time, by sections, and put upon its final passage, without amendment.

RULE 63. The question upon the final passage of all bills shall be taken by yeas and nays; and the vote upon the final passage of any bill in the House, which may have been amended by the Senate, shall only be passed by a majority of all the members elected to the House, voting by yeas and nays, and a vote shall be taken upon no more than one bill at a time.

#### OF RESOLUTIONS, ETC.

RULE 64. The following class of resolutions shall lie over for one day for consideration, after which they may be called up under their appropriate order of business:

1. All concurrent resolutions.
2. Resolutions containing calls for information on the Executive Department.
3. Resolutions giving rise to debate, except such as relate to the disposition of matter immediately before the House, such as relate to the business of the day on which they are offered, and such as relate to adjournment.

RULE 65. All resolutions for the printing of an extra number of any document, paper or bill, shall be referred as of course to the standing Committee on Printing, to consider and report thereon.

#### OF THE RULES.

RULE 66. No rule or order of the House shall be suspended, rescinded or changed, except by a vote of two-thirds of all the members voting.

RULE 67. In any case where these rules do not apply, the rules of parliamentary law laid down in Cushing's Manual shall govern.

OF EMPLOYMENT OF CLERKS.

RULE 68. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House. All clerks shall be appointed by the Speaker, on the recommendation of the committees.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES—SESSION OF 1877.

RULE 1. Each house shall, as soon as organized, report that fact to the other house; and the two houses shall, by joint committee, inform the Governor that they are ready to receive any communication he may have to make.

RULE 2. Messages from one house to the other shall be carried by their clerks respectively, unless the house transmitting the message shall specially direct otherwise.

RULE 3. In joint convention of the two houses, the President of the Senate shall preside.

RULE 4. Each house shall transmit to the other all papers on which any bill or resolution may be founded.

RULE 5. It shall be in the power of either house to amend any amendment made by the other, to any bill or resolution.

RULE 6. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the house in which the same was passed.

RULE 7. In case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee for that purpose, and the other house shall appoint a similar committee. The committee shall meet at the time and place appointed by the chairman of the committee on the part of the house requesting such conference. The committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both houses. The report of the committee shall be in writing, and shall be sent to the house assenting to the conference. When such house shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

RULE 8. It shall be in order for either house to recede from any subject-matter of difference subsisting between the two houses at any time previous to conference, whether the papers on which such difference arose are before the house receding, formally or informally.

RULE 9. If the two houses adhere to their disagreement, or if as many as two committees of conference have been appointed, and cannot agree, the bill which is the subject of difference shall be deemed lost, and shall not be revived in either house during the session.

RULE 10. All joint committees and all committees of conference shall consist of three members of the Senate and five members of the House, unless otherwise specially ordered by concurrent resolution.

RULE 11. When a joint bill or concurrent resolution shall have passed one house, it shall be transmitted to the other, without entering an order on the Journal.

RULE 12. After a bill or joint resolution shall have passed both houses, it shall be neatly enrolled by the Enrolling Clerk of the house in which it originated.

RULE 13. After a bill is duly enrolled, it shall be examined by the Joint Committee on Enrolled Bills, who shall carefully compare the enrolled bill with the engrossed bill, as passed in the two houses, and correct any errors that may be discovered in the enrolled bill, and report forthwith in writing, which report shall be entered on the Journal of the house where the bill originated, and they shall return the engrossed bill to the Enrolling Clerk of the house where such bill originated. After such examination and report, the committee shall present the bill to the Speaker of the House, for his signature, and to the Chief Clerk, who shall certify on the roll in which house the bill originated, together with the date of the introduction of such bill, and the date of the passage thereof; after which the committee shall present the bill to the President of the Senate for his signature, and to the Secretary for his certificate. Immediately after a bill is properly signed, the committee shall present it to the Governor for approval, and report, in writing, to the House of Representatives and Senate, the day of the week, and the date of the month, on which such bill was presented, which report shall be entered on the Journal of the House.

RULE 14. All joint orders, memorials and resolutions, which are to be presented to the Governor for his approval, shall be treated in the same manner as bills.

RULE 15. The committee of each house on Legislative Expenditures, the State Library, Enrolled Bills, and Printing, shall act jointly, and be considered joint committees of the two houses.

RULE 16. The general appropriation bills shall be introduced into the House at least ten days before the day fixed for final adjournment, and passed and sent to the Senate at least five days before the close of the session; and such appropriation bills shall be classified as follows:

One bill appropriating salaries and expenses of the Executive, State and Judiciary Departments.

One bill making appropriations for the Legislative Department.

One bill making appropriations for the Asylum for the Blind.

One bill making appropriations for the Asylum for the Deaf and Dumb.

One bill making appropriations for the Asylum for the Insane.

One bill making appropriations for the State Penitentiary.

One bill making appropriations for the State University.

One bill making appropriations for the State Normal School.

One bill making appropriations for the State Agricultural College.

One bill making appropriations for the State Capitol Building.

One bill making appropriations to sheriffs for conveying prisoners to the Penitentiary.

One bill making appropriations to pay the expenses of special committees visiting the several State and benevolent institutions.

One bill making appropriations to pay the expenses of the several committees on investigations.

One bill making appropriations to the Public Printer for printing and binding.

One bill appropriating money for miscellaneous expenses.

Other appropriation bills may be introduced when deemed necessary or expedient; but it shall not be competent for any member or committee to introduce any bill which shall include appropriations for any two or more objects or purposes hereinbefore designated as subjects of different bills.

RULE 17. The committee on Ways and Means of the Senate,



and the like committee of the House of Representatives, shall, for the purpose of making up the general appropriation bill, constitute a joint committee, and no item shall be inserted by the committee except in joint session.

RULE 18. Bills and joint and concurrent resolutions shall be printed as required by rule or order of either house, and when printed, two hundred shall be printed for the use of both houses. No extra number of any bill, resolution or document shall be printed, except it be ordered by a concurrent resolution.

RULE 19. Orders to print, unexecuted, expire at the close of the session, and no document shall be printed or delivered after the final adjournment, unless under some law or resolution of the two houses.

RULE 20. Whenever there shall be an election of officers by the joint action of the two houses, the result shall be certified by the President of the Senate and Speaker of the House, and shall be reported by each to their respective houses; which report shall be entered on the journal of each, and shall be communicated to the Governor by the Clerks of the two houses, jointly.

RULE 21. When amendments are made in one house to a bill or joint resolution originating in the other, or where amendments are made in one house to amendments made in the other, it shall require a vote of a majority of all the members elected to either house, on the call of the yeas and nays, to adopt said amendment on its final passage.

RULE 22. In joint convention of the two houses, the previous question shall be in the usual form, and when sustained by a majority of the members present, it shall cut off all debate or amendment, and bring the convention to a direct vote; but the vote shall be taken on all pending amendments, in their order, until the main question is reached.

RULE 23. When a bill proposes to amend any section, chapter or act, the title shall read as follows: "An act relating to ——— and amendatory of section ——— of chapter ——— of the ———," filling the blanks with the proper subject, section and chapter of the General Statutes of 1868, or Session Laws, designating the same.

RULE 24. When a bill proposes to repeal any section, chapter or act, and has no other object, the title shall be as follows: "An act to repeal section ———, chapter ——— of the ———, relat-

ing to ———," filling the blanks with the proper subject, section or chapter of the General Statutes or Session Laws, designating the same.

RULE 25. The Chief Clerk of the House and Secretary of the Senate shall indorse on every bill and joint concurrent resolution, respectively, a brief history of such bill or resolution introduced or coming into their respective houses, showing when and by whom the bill or resolution was introduced, or when received; its several readings and reference; when reported, and the recommendation; the fact of amendment (if amended); its engrossment, final reading and disposition thereof, stating the number of yeas and the number of nays thereon. The Chief Clerk and Secretary shall respectively sign such history of the bill or resolution in his house before he transmits the same to the other house.

RULE 26. These rules may be changed or suspended, by concurrent resolution, on a vote of two-thirds of the members present in each house.

#### NOMINATIONS FOR SPEAKER.

Mr. Miller nominated Hon. John M. Price, of Atchison county.

Mr. Legate nominated Hon. Sidney Clarke, of Douglas county.

Mr. Manning nominated Hon. W. R. Biddle, of Linn county.

Mr. Waite, of Pawnee, nominated Hon. H. C. Bull, of Osborne county.

There being no other nominations, the roll was called, with the following result:

Whole number of votes cast, 128; necessary to a choice, 65.

Mr. Clarke received 77 votes.

Mr. Price received 14 votes.

Mr. Biddle received 23 votes.

Mr. Bull received 12 votes.

Mr. Bishop received 2 votes.

Gentlemen voting for Mr. Clarke were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Blackman, Blanchard, Bower, Brinkman, Bronson, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Corbin, Danhaur, Donahue, Eastland, Eggers, Ewing, Farris, Faulkner, Fisler, Greever, Greiffenstein, Hall, Hamilton of Marshall, Harts-horne, Helmick, Henderson, Hewins, Huffaker, Hutchison, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Legate, Leon-

ard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Selover, Stitt, Stumbaugh, Tallman, Taylor, Towle, Walker, Watson, White, Willey, Wilson of Jackson, Woodard, and Wright.

Gentlemen voting for Mr. Price were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Bevins, Gable (Frank M.), Gable (Thos. P.), Hossack, Miller, Randolph, Seaton, Spilman, Tucker, and Wilson of Nemaha.

Gentlemen voting for Mr. Biddle were: Messrs. Breyfogle, Bruner, Clark of Montgomery, Cool, Cunningham, Eckles, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hankins, James of Shawnee, Manning, McCrumb, McKay, Rice, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, and Wait of Linn.

Gentlemen voting for Mr. Bull were: Messrs. Bishop, Bissell, Boggs, Brown, Clarke of Douglas, Ellison, Hodge, Humes, Lawson, Price, Wait of Lincoln, and Waite of Pawnee.

Gentlemen voting for Mr. Bishop were: Messrs. Biddle and Bull.

Absent or not voting, Mr. Briggs.

Mr. Clarke, having received a majority of all the votes cast, was declared elected Speaker of the House of Representatives.

Mr. Taylor moved that a committee of three be appointed to conduct the Speaker elect to the chair.

The motion prevailed; whereupon Messrs. Biddle, Price and Bull were appointed as such committee.

#### INTRODUCTORY SPEECH OF SPEAKER CLARKE.

Mr. Clarke, on being introduced to the House by the temporary Speaker, spoke as follows:

*Gentlemen of the House of Representatives:* I beg you to accept my thanks for this expression of your confidence in selecting me to preside over the deliberations of this body. Though I am not unaccustomed to the methods of legislation in another place, I must solicit your kind indulgence while I become acquainted with the rules and usages which must govern us here. Allow me also to express the hope that in the conflict of opinion and antagonism of debate which will necessarily arise in the prog-



ress of the session, we shall all be governed by that courtesy and kindness which properly belong to all official action.

Representing here a great commonwealth, which is rapidly advancing in all the elements of wealth and power to the front rank of American States, let us be true to all the interests of the people, and guard with jealous care our traditional policy of freedom and justice and liberty for all.

Without commercial centers or commercial rivals, Kansas is a great agricultural empire, unlimited in its capacities for production, and magnificently grand in all the possibilities of the future. In the review of our system of jurisprudence, and in the enactment of our laws, the interests of production, and the material and moral and educational welfare of the State, will demand our best attention. Let us so legislate that population, and capital, and enterprise will be invited within our borders, so that the wonderful progress of the past may be exceeded, if possible, by the still more wonderful progress of the future.

It will be my constant aim to administer the rules of the House with strict impartiality towards all its members. Again thanking you, gentlemen, and asking your cordial coöperation in the performance of the duties of the chair, I am now ready to take the oath of office and proceed with the business of the House.

The following oath of office was administered by Hon. D. M. Valentine, Associate Justice of the Supreme Court.

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Speaker of the House of Representatives of the State of Kansas. So help me God.

(Signed) SIDNEY CLARKE.

Sworn and subscribed to before me, this 14th day of January, A. D. 1879.

D. M. VALENTINE,

*Associate Justice Supreme Court of the State of Kansas.*

#### SPEAKER PRO TEM.

Nominations being in order, Mr. Hodge nominated Mr. Biddle. Mr. Riggs nominated Mr. Price.

Mr. Biddle declined; whereupon, on motion of Mr. Bull, Mr.

Price was elected, under a suspension of the rules, by acclamation.

Mr. Price came forward, and subscribed the following oath of office, which was administered by the Hon. D. M. Valentine, Associate Justice of the Supreme Court of the State of Kansas:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Speaker *pro tem.* of the House of Representatives of the State of Kansas. So help me God.

(Signed)

JOHN M. PRICE.

Sworn and subscribed to before me, this 14th day of January, 1879.

D. M. VALENTINE,

*Associate Justice Supreme Court of the State of Kansas.*

#### CHIEF CLERK.

Nominations being in order, Mr. Legate nominated Mr. Wirt W. Walton, of Cowley county.

Mr. Tucker nominated Mr. D. B. Emmert, of Sedgwick county.

There being no other nominations, the roll was called, with the following result:

Whole number of votes cast, 128; necessary to a choice, 65.

Mr. Walton received 90 votes.

Mr. Emmert received 38 votes.

The following-named gentlemen voted for Mr. Walton: Messrs. Alexander, Anderson of Cherokee, Armstrong, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark of Montgomery, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Gable (Frank M.), Gillespie, Gilmore, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Wait of Linn, Walker, White,

Wiley, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

The following-named gentlemen voted for Mr. Emmert: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Baker, Barber, Bevins, Bissell, Blackman, Brinkman, Bronson, Clapp, Ewing, Fisler, Gable (Thomas P.), Games, Godfrey, Greiffenstein, Hall, Hankins, Hewins, Kollock, Lawson, Leonard, McClintick, McCrumb, Randolph, Rath, Rice, Richards, Riggs, Sallee, Smith of Bourbon, Stewart, Tallman, Tucker, Wait of Lincoln, Waite of Pawnee, Watson, and Mr. Speaker Clarke.

Mr. Walton, having received a majority of the votes cast, was declared by the Speaker duly elected Chief Clerk of the House. He then advanced to the Chief Clerk's desk, and subscribed to the following oath of office, which was administered by Hon. D. M. Valentine, Associate Justice of the Supreme Court of the State of Kansas:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Chief Clerk of the House of Representatives of the State of Kansas, to the best of my ability. So help me God.

(Signed) WIRT W. WALTON.

Sworn and subscribed to before me, this 14th day of January, 1879.

D. M. VALENTINE,

*Associate Justice Supreme Court of the State of Kansas.*

#### ASSISTANT CHIEF CLERK.

Nominations being in order, Mr. Hamilton, of Marshall, nominated Mr. Ed. W. Waynant, of Marshall county.

Mr. Brinkman nominated Mr. D. J. Evans, of Barton county.

Mr. Anderson, of Cherokee, nominated Mr. Clarence L. Woodruff, of Cherokee county.

Mr. Humes nominated Mr. W. E. Cochran, of Washington county.

There being no other nominations, the roll was called, with the following result:

Whole number of votes cast, 128; necessary to a choice, 65.

Mr. Waynant received 47 votes.

Mr. Evans received 37 votes.

Mr. Cochran received 25 votes.

Mr. Woodruff received 19 votes.

Gentlemen voting for Mr. Waynant were: Messrs. Albin, Alexander, Armstrong, Baker, Barber, Beaty, Bishop, Blanchard, Bower, Bronson, Butts, Clapp, Clogston, Cool, Cunningham, Danhaur, Farris, Gilmore, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, James of Wyandotte, Keller, Kollock, Martin of Labette, Miller, Myers, Parsons, Randolph, Raybell, Richards, Riggs, Robb, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tucker, Wait of Lincoln, Wait of Linn, Walker, Wilson of Jackson, Wilson of Nemaha, Woodward, and Wright.

Gentlemen voting for Mr. Evans were: Messrs. Anderson of Shawnee, Berry, Bissell, Blackman, Brinkman, Bruner, Callen, Congdon, Eastland, Eggers, Ewing, Faulkner, Fisler, Gable (Thos. P.), Gilmore, Greiffenstein, Hankins, Henderson, Huffaker, James of Shawnee, Lawson, Leonard, Loy, Manning, Martin of Kingman, McClintick, McMillen, Morgan, Prunty, Rath, Shaw, Stumbaugh, Towle, Waite of Pawnee, Watson, Willey, and Mr. Speaker Clarke.

Gentlemen voting for Mr. Cochran were: Messrs. Anderson of Ellsworth, Ballard, Bevins, Biddle, Boggs, Briggs, Brown, Bull, Donahue, Eckles, Ellison, Gable (Frank M.), Hewins, Hodge, Humes, Hutchison, Kelly, Kennedy, Legate, McCrumb, McKay, Moore, Selover, Taylor, and White.

Gentlemen voting for Mr. Woodruff were: Messrs. Anderson of Cherokee, Barrackman, Breyfogle, Calvin, Clark of Montgomery, Corbin, Games, Gillespie, Hartshorne, Hossack, Majors, Martin of Miami, Price, Rice, Rood, Sallee, Scott, Seaton, and Tallman.

No person having received a majority of all the votes cast, the House proceeded to a

#### SECOND BALLOT,

Resulting as follows:

(Pending the call of the roll, Mr. Anderson, of Cherokee, withdrew the name of Mr. Woodruff.)

Whole number of votes cast, 126; necessary to a choice, 64.

Mr. Waynant received 64 votes.

Mr. Evans received 37 votes.

Mr. Cochran received 25 votes.

The following-named gentlemen voted for Mr. Waynant: Messrs. Albin, Alexander, Armstrong, Baker, Barber, Beaty, Blanchard, Boggs, Bower, Briggs, Bronson, Butts, Calvin, Clapp, Clogston, Cool, Cunningham, Danhaur, Ewing, Farris, Games, Gilmore, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hossack, James of Wyandotte, Keller, Kollock, Loy, Majors, Martin of Labette, Martin of Miami, McKay, Miller, Myers, Parsons, Price, Randolph, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Towle, Tucker, Wait of Lincoln, Wait of Linn, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

The following-named gentlemen voted for Mr. Evans: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Berry, Bissell, Blackman, Breyfogle, Brinkman, Bruner, Callen, Clark of Montgomery, Congdon, Corbin, Eastland, Eckles, Eggers, Faulkner, Fisler, Godfrey, Greiffenstein, Hartshorne, Hankins, Huffaker, James of Shawnee, Lawson, Leonard, Manning, Martin of Kingman, McClintick, McMillen, Morgan, Prunty, Rath, Shaw, Stumbaugh, Tallman, Waite of Pawnee, and Speaker Clarke.

The following-named gentlemen voted for Mr. Cochran: Messrs. Anderson of Cherokee, Ballard, Barrackman, Bevins, Biddle, Brown, Bull, Donahue, Ellison, Gable (Frank M.), Gillespie, Helmick, Henderson, Hewins, Hodge, Humes, Hutchison, Kelly, Kennedy, Legate, McCrumb, Moore, Selover, and Taylor.

Mr. Waynant, having received a majority of all the votes cast, was declared duly elected Assistant Chief Clerk of the House of Representatives.

Mr. Waynant came forward and took the following oath, which was administered by Hon. D. M. Valentine, Associate Justice of the Supreme Court of the State of Kansas:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Assistant Chief Clerk of the House of Representatives of the State of Kansas, to the best of my ability. So help me God.

(Signed)

ED. W. WAYNANT.



Subscribed and sworn to before me, this 14th day of January,  
A. D. 1879.

D. M. VALENTINE,

*Associate Justice Supreme Court of the State of Kansas.*

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has organized by the election of Henry Brandley as Secretary, and Ed. R. Smith as Sergeant-at-Arms, and is now ready to proceed with the business of the session.

January 14, 1878. HENRY BRANDLEY, *Secretary.*

Mr. Riggs moved that the House adjourn.

The motion prevailed, and the House adjourned until Wednesday morning at 10 o'clock.

WIRT W. WALTON, *Chief Clerk.*

## SECOND DAY.

#### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 15, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by Rev. T. W. Henderson.

Roll called. The following gentlemen answered to their names :

Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Keller, Kelly, Kennedy, Kollock,

Lawson, Legate, Leonard, Loy, Majors, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke. Quorum present.

Pending the reading of the journal of yesterday, Mr. Biddle moved that the further reading of the journal be dispensed with. The motion did not prevail.

The journal was read, and approved.

#### JOURNAL CLERK.

The election of Journal Clerk being next in order, the roll was called, with the following result:

Mr. J. C. Hebbard received 123 votes.

Gentlemen voting for Mr. Hebbard were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.



Gentlemen absent or not voting were: Messrs. Berry, Bevins, Brinkman, Farris, Greiffenstein, and Manning.

Mr. Hebbard, having received a majority (all) of the votes cast, was declared elected Journal Clerk of the House of Representatives.

Mr. Hebbard then came forward, and subscribed the following oath of office, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Journal Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) J. C. HEBBARD.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### ENGROSSING CLERK.

Nominations being in order, Mr. Hodge nominated Miss Maria Cheney, of Shawnee county.

Mr. Beaty nominated Mr. R. S. Fitzpatrick, of Atchison county.

Pending the call of the roll, the nomination of Mr. Fitzpatrick was withdrawn, and on motion of Mr. Smith, of Marshall, Miss Cheney was declared elected, under a suspension of the rules, by acclamation.

Miss Cheney appeared, and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Engrossing Clerk of the House of Representatives, to the best of my ability. So help me God.

(Signed) MARIA CHENEY.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representative .*

## ENROLLING CLERK.

Nominations being in order, Mr. Taylor nominated Miss Emma Ferguson, of Shawnee county.

Mr. Biddle nominated Mrs. McLaughlin, of Miami county.

There being no other nominations, the roll was called, with the following result:

Whole number of votes cast, 124; necessary to a choice, 63.

Miss Ferguson received 76 votes.

Mrs. McLaughlin received 48 votes.

Gentlemen voting for Miss Ferguson were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barber, Bevins, Bishop, Bissell, Blackman, Boggs, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Congdon, Cool, Corbin, Eastland, Eckles, Eggers, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Hamilton of Marshall, Hartshorne, Hankins, Henderson, Hodge, Hossack, Huffaker, Humes, James of Shawnee, Kelly, Kennedy, Legate, Majors, Martin of Kingman, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Randolph, Rath, Riggs, Sallee, Selover, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mrs. McLaughlin were: Messrs. Armstrong, Baker, Barrackman, Beaty, Berry, Biddle, Blanchard, Breyfogle, Bruner, Clark, Clogston, Cunningham, Danhaur, Donahue, Ellison, Ewing, Fisler, Godfrey, Greever, Hall, Hamilton of Norton, Helmick, Hewins, Hutchison, Keller, Kollock, Lawson, Leonard, Loy, Martin of Labette, Martin of Miami, McClintick, Myers, Price, Prunty, Raybell, Rice, Robb, Rood, Scott, Seaton, Smith of Bourbon, Stewart, Towle, Tucker, Wait of Linn, and Willey.

Gentlemen absent or not voting were: Messrs. Bower, Gable, (Thomas P.), Greiffenstein, James of Wyandotte, Manning, and Richards.

Miss Ferguson, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the House; whereupon she appeared, and subscribed to the following oath of office, which was administered by Speaker Clarke:

STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Enrolling Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) EMMA FERGUSON.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### DOCKET CLERK.

Nominations for Docket Clerk being in order, Mr. Faulkner nominated Mr. C. E. Westling, of Saline county.

Mr. Anderson, of Ellsworth, nominated Mr. W. E. Fosnot, of Ellsworth county.

The roll was called, with the following result: Whole number of votes cast, 124; necessary to a choice, 63.

Mr. Westling received 106 votes.

Mr. Fosnot received 18 votes.

Gentlemen voting for Mr. Westling were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Briggs, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Fosnot were: Messrs. Anderson of

Ellsworth, Baker, Barrackman, Biddle, Breyfogle, Brinkman, Brown, Cool, Gable (Thomas P.), Hamilton of Marshall, Hamilton of Norton, McKay, McMillen, Morgan, Robb, Shaw, Wilson of Nemaha, and Woodard.

Gentlemen absent or not voting were: Messrs. Greiffenstein, James of Wyandotte, Manning, and Tucker.

Mr. Westling, having received a majority of all the votes cast, was declared duly elected Docket Clerk; whereupon he appeared, and subscribed to the following oath of office, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Docket Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) C. E. WESTLING.

Sworn and subscribed to before me, this 15th day of January, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### CHAPLAIN.

Nominations for Chaplain being in order, Mr. Ballard nominated Rev. T. W. Henderson, of Shawnee county.

Mr. Clark nominated Rev. J. G. Eckles, (member of the House from Rice county.)

Mr. Price nominated Rev. C. Monjeau, of Shawnee county.

The roll was called, with the following result:

Mr. Henderson received 58 votes.

Mr. Eckles received 47 votes.

Mr. Monjeau received 16 votes.

Gentlemen voting for Mr. Henderson were: Messrs. Alexander, Anderson of Cherokee, Armstrong, Ballard, Barber, Beaty, Bevins, Bissell, Blackman, Blanchard, Boggs, Bower, Callen, Calvin, Clogston, Cool, Eastland, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Hutchison, James of Shawnee, Keller, Kennedy, Legate, Manning, McKay, Miller, Moore, Morgan, Rice, Richards, Riggs, Robb, Sallee, Scott, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tucker, Wait of Linn,

Waite of Pawnee, Walker, Watson, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Eckles were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Berry, Biddle, Bishop, Breyfogle, Brinkman, Bronson, Brown, Bruner, Clapp, Clark, Congdon, Corbin, Cunningham, Danhaur, Godfrey, Hall, Hamilton of Marshall, Hewins, Humes, Kollock, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, Myers, Prunty, Randolph, Rath, Raybell, Rood, Seaton, Smith of Bourbon, Spilman, Taylor, Towle, Wait of Lincoln, White, Willey, and Wilson of Nemaha.

Gentlemen voting for Mr. Monjeau were: Messrs. Baker, Briggs, Bull, Butts, Donahue, Eckles, Farris, Gable (Frank M.), Greever, Henderson, Hodge, Parsons, Price, Selover, and Tallman.

Gentlemen absent or not voting were: Messrs. Faulkner, Greifenstein, James of Wyandotte, McCrumb, and McMillen.

Whole number of votes cast, 124; necessary to a choice, 63.

No person having received a majority of all the votes cast, there was no election; whereupon the House proceeded to a

#### SECOND BALLOT,

Resulting as follows:

Mr. Eckles received 61 votes.

Mr. Henderson received 59 votes.

Mr. Monjeau received 3 votes.

Gentlemen voting for Mr. Eckles were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Baker, Barrackman, Berry, Biddle, Bishop, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Clark, Corbin, Cunningham, Danhaur, Donahue, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Hamilton of Marshall, Henderson, Hewins, Kollock, Lawson, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Rood, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Taylor, Towle, Wait of Lincoln, White, Willey, and Wilson of Nemaha.

Gentlemen voting for Mr. Henderson were: Messrs. Alexander, Anderson of Cherokee, Armstrong, Baker, Ballard, Barber,



Beaty, Bissell, Blackman, Blanchard, Boggs, Bower, Briggs, Calvin, Clogston, Cool, Cunningham, Eastland, Eggers, Ellison, Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes, James of Shawnee, Keller, Kelly, Kennedy, Legate, Leonard, Manning, McKay, Miller, Moore, Morgan, Rice, Richards, Robb, Sallee, Scott, Stewart, Stitt, Stumbaugh, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Monjeau were: Messrs. Callen, Eckles, and Price.

Gentlemen absent or not voting were: Messrs. Bevins, Faulkner, Greiffenstein, James of Wyandotte, McMillen, and Riggs.

Whole number of votes cast, 123 ; necessary to a choice, 62.

No person having received a majority of all the votes cast, there was no election; so the House proceeded to a

### THIRD BALLOT,

With the following result:

Mr. Eckles received 63 votes.

Mr. Henderson received 57 votes.

Gentlemen voting for Mr. Eckles were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Berry, Biddle, Bishop, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Clapp, Clark, Congdon, Corbin, Danhaur, Donahue, Ewing, Farris, Fislser, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hall, Hamilton of Marshall, Henderson, Hewins, Hodge, Hutchison, Kollock, Lawson, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rood, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Tallman, Taylor, Towle, Wait of Lincoln, White, Willey, and Wilson of Nemaha.

Gentlemen voting for Mr. Henderson were: Messrs. Alexander, Anderson of Cherokee, Armstrong, Ballard, Barber, Beaty, Blackman, Boggs, Bower, Briggs, Bull, Callen, Clogston, Cool, Eastland, Ellison, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelly, Kennedy, Legate, Leonard, Manning, McKay, Miller, Moore,

Morgan, Rice, Richards, Robb, Sallee, Scott, Stewart, Stitt, Stumbaugh, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Bevins, Bissell, Blackman, Blanchard, Clapp, Congdon, Eckles, Eggers, Greiffenstein, and James of Wyandotte.

Mr. Eckles, having received a majority of all the votes cast, was declared duly elected Chaplain of the House.

#### OATH.

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States, the constitution of the State of Kansas, and that I will faithfully discharge the duties of Chaplain of the House of Representatives. So help me God. J. G. ECKLES.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### SERGEANT-AT-ARMS.

Nominations being in order, Mr. Calvin nominated Hon. Wm. Higgins, of Labette county.

Mr. Taylor nominated N. F. Hewitt, of Washington county.

Mr. Parsons nominated S. H. Eddy, of Brown county.

Mr. Anderson, of Cherokee, nominated Mr. B. F. Sweeney, of Shawnee county.

There being no other nominations, the roll was called, with the following result:

Mr. Higgins received 100 votes.

Mr. Hewitt received 12 votes.

Mr. Eddy received 12 votes.

Mr. Sweeney received 2 votes.

Mr. Wm. Stewart received 1 vote.

Gentlemen voting for Mr. Higgins were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Berry, Biddle, Bishop, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison,



Ewing, Fisler, Gable (Frank M.), Gable (Thomas P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hewins, Hodge, Hossack, Huffaker, Hutchison, Keller, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Hewitt were: Messrs. Ballard, Brinkman, Butts, Donahue, Farris, Faulkner, Henderson, Humes, James of Shawnee, Smith of Marshall, Taylor, and White.

Gentlemen voting for Mr. Eddy were: Messrs. Beaty, Bevins, Blackman, Briggs, Brown, Kelly, Kennedy, Legate, Parsons, Price, Selover, and Stitt.

Gentlemen voting for Mr. Sweeny were: Messrs. Anderson of Cherokee, and Helmick.

Mr. Bissell voted for Mr. Stewart.

Whole number of votes cast, 127; necessary to a choice, 64.

Mr. Higgins, having received a majority of all the votes cast, was declared duly elected to the office of Sergeant-at-Arms.

Mr. Higgins appeared, and subscribed to the following oath of office, which was duly administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Sergeant-at-Arms of the House of Representatives of the State of Kansas. So help me God.

(Signed) WM. HIGGINS.

Sworn and subscribed to before me, this 15th day of January, A. D. 1879.

SIDNEY CLARKE,

*Speaker House of Representatives.*

ASSISTANT SERGEANT-AT-ARMS.

Mr. Eggers nominated J. V. Pratt, of Ellis county.

Mr. Riggs nominated Jerome Kunkel, of Jefferson county.

Mr. Blackman nominated J. R. Hammond, of Leavenworth county.

Mr. Bruner nominated R. E. Stevenson, of Johnson county.

Mr. Hamilton, of Norton, nominated F. M. Higgason, of Norton county.

Mr. Biddle nominated W. H. Early, of Linn county.

Mr. Clark, of Montgomery, nominated Wm. Stewart, of Montgomery county.

The roll was called, with the following result:

Whole number of votes cast, 124; necessary to a choice, 63; absent or not voting, 5.

Mr. Pratt received 25 votes.

Mr. Kunkel received 13 votes.

Mr. Hammond received 12 votes.

Mr. Stevenson received 13 votes.

Mr. Higgason received 41 votes.

Mr. Early received 3 votes.

Mr. Stewart received 16 votes.

Gentlemen voting for Mr. Pratt were: Messrs. Barrackman, Beaty, Blanchard, Boggs, Brinkman, Callen, Clapp, Cool, Danhaur, Eastland, Eggers, Ellison, Faulkner, Hall, Helmick, Kelly, Kennedy, Kollock, Martin of Labette, McKay, Selover, Stitt, Stumbaugh, Taylor, and Wilson of Nemaha.

Gentlemen voting for Mr. Kunkel were: Messrs. Albin, Anderson of Shawnee, Ballard, Bower, Bronson, Butts, Clogston, Farris, Manning, Riggs, Seaton, Towle, and Woodard.

Gentlemen voting for Mr. Higgason were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Barber, Berry, Bishop, Bissell, Briggs, Brown, Bull, Calvin, Gillespie, Godfrey, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Hankins, Hodge, Hossack, Huffaker, Keller, Leonard, Loy, Majors, Martin of Kingman, McClintick, McCrumb, Moore, Myers, Price, Raybell, Robb, Smith of Marshall, Spilman, Waite of Pawnee, Walker, Watson, White, Willey, and Wilson of Jackson.

Gentlemen voting for Mr. Hammond were: Messrs. Bevins, Blackman, Donahue, Gable (Frank M.), Gable (Thomas P.), Greever, Henderson, Hewins, Humes, Hutchison, Miller, and Parsons.

Gentlemen voting for Mr. Stewart were: Messrs. Bruner, Clark, Congdon, Corbin, Cunningham, Eckles, Fisler, Gilmore,

Lawson, Rood, Sallee, Smith of Bourbon, Stewart, Tallman, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Stevenson were: Messrs. Armstrong, Breyfogle, Ewing, Games, Legate, Martin of Miami, McMillen, Prunty, Randolph, Rath, Rice, Richards, and Shaw.

Gentlemen voting for Mr. Early were: Messrs. Biddle, James of Shawnee, and Scott.

Gentlemen absent or not voting were: Messrs. Greiffenstein, James of Wyandotte, Morgan, Tucker, and Wait of Lincoln.

No person having received a majority of all the votes cast, there was no election.

On motion, the House adjourned, under the rule, being until 2 o'clock P. M.

---

## SECOND DAY.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 15, 1879. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Butts, Callen, Calvin, Clark, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh,

Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen absent: Messrs. Ballard, Barber, Barrackman, Beaty, Blanchard, Boggs, Bull, Clapp, Congdon, Corbin, Greifenstein, Hartshorne, James of Wyandotte, Morgan, and Woodard.

Quorum present.

Mr. Humes offered the following resolution, which on motion was adopted:

*Resolved*, That the Chief Clerk inform the Senate that the House is organized, by the election of Hon. Sidney Clarke, of Douglas county, as Speaker; Wirt W. Walton, of Cowley county, as Chief Clerk; and William Higgins, of Labette county, as Sergeant-at-Arms; and is now ready to proceed with the business of the present session.

The election of an Assistant Sergeant-at-Arms being in order, the House proceeded to a

#### SECOND BALLOT,

With the following result:

Whole number of votes cast, 126; necessary to a choice, 64.

Mr. Pratt received 42 votes.

Mr. Higgason received 41 votes.

Mr. Stevenson received 18 votes.

Mr. Hammond received 12 votes.

Mr. Stewart received 11 votes.

Gentlemen voting for Mr. Pratt were: Messrs. Albin, Anderson of Shawnee, Barrackman, Bissell, Blanchard, Bower, Briggs, Brinkman, Bronson, Bull, Callen, Clapp, Clogston, Cool, Dannahur, Donahue, Eastland, Eggers, Ellison, Faulkner, Fisler, Hall, Helmick, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Lawson, Martin of Labette, McKay, Price, Raybell, Riggs, Seaton, Selover, Stitt, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, and Wright.

Gentlemen voting for Mr. Higgason were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Bishop, Boggs, Brown, Calvin, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hankins, Hossack, Humes, James of Shawnee, Keller, Legate, Leonard, Manning, Martin of Kingman, McClintick, McCrumb, McMillen, Miller, Moore,

Morgan, Myers, Rath, Robb, Spilman, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Gentlemen voting for Mr. Stevenson were: Messrs. Armstrong, Ballard, Barber, Biddle, Breyfogle, Bruner, Eckles, Ewing, Games, James of Wyandotte, Majors, Martin of Miami, Prunty, Randolph, Rice, Richards, Scott, and Shaw.

Gentlemen voting for Mr. Hammond were: Messrs. Beaty, Bevins, Blackman, Butts, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Henderson, Miller, Parsons, and Sallee.

Gentlemen voting for Mr. Stewart were: Messrs. Berry, Clark, Corbin, Cunningham, Hartshorne, Kollock, Rood, Smith of Bourbon, Smith of Marshall, Tallman, and Tucker.

Gentlemen absent or not voting were: Messrs. Congdon, Greifenstein, Hewins, and Speaker Clarke.

No person having received a majority of all the votes cast, there was no election. The House proceeded with a

### THIRD BALLOT,

With the following result:

Whole number of votes cast, 126; necessary to a choice, 64; absent or not voting, 3.

Mr. Pratt received 47 votes.

Mr. Higgason received 43 votes.

Mr. Stevenson received 23 votes.

Mr. Stewart received 12 votes.

Gentlemen voting for Mr. Pratt were: Messrs. Albin, Anderson of Shawnee, Barrackman, Bissell, Blackman, Blanchard, Bower, Briggs, Brinkman, Bronson, Bull, Callen, Clapp, Clogston, Cool, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Faulkner, Godfrey, Hankins, Helmick, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Kollock, Lawson, Martin of Labette, McKay, Price, Prunty, Raybell, Riggs, Seaton, Selover, Stitt, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, and Wright.

Gentlemen voting for Mr. Higgason were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Beaty, Bishop, Boggs, Brown, Calvin, Eckles, Fisler, Gillespie, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Humes, James of Shawnee, Keller, Leonard, Loy, Manning, Martin of



Kingman, McClintick, McCrumb, McMillen, Moore, Morgan, Myers, Parsons, Rath, Robb, Spilman, Towle, Tucker, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Gentlemen voting for Mr. Stevenson were: Messrs. Armstrong, Bevins, Biddle, Bruner, Butts, Clark, Farris, Gable (Frank M.), Gable (Thomas P.), Games, Henderson, Hossack, James of Shawnee, Legate, Majors, Martin of Miami, Miller, Randolph, Rice, Richards, Scott, Shaw, and Smith of Marshall.

Gentlemen voting for Mr. Stewart were: Messrs. Ballard, Barber, Berry, Breyfogle, Corbin, Gilmore, Hewins, Rood, Sallee, Smith of Bourbon, Stewart, and Tallman.

Gentlemen absent or not voting were: Messrs. Cunningham, Greiffenstein, and Hall.

No person having received a majority of all the votes cast, there was no election; whereupon the House proceeded to a

#### FOURTH BALLOT,

With the following result:

Whole number of votes cast, 125; necessary to a choice, 63; absent or not voting, 3.

Mr. Pratt received 60 votes.

Mr. Higgason received 39 votes.

Mr. Stevenson received 26 votes.

Gentlemen voting for Mr. Pratt were: Messrs. Albin, Anderson of Shawnee, Armstrong, Barber, Barrackman, Bissell, Blanchard, Boggs, Bower, Briggs, Brinkman, Bronson, Bull, Callen, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Faulkner, Godfrey, Hall, Hankins, Helmick, Hewins, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Kollock, Lawson, Majors, Martin of Labette, McCrumb, McKay, McMillen, Price, Prunty, Randolph, Rath, Raybell, Riggs, Sallee, Seaton, Selover, Smith of Bourbon, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Higgason were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Beaty, Berry, Bishop, Brown, Calvin, Eckles, Fisler, Gillespie, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Humes, James of Shawnee, Keller, Leonard, Loy, Manning, Mar-



tin of Kingman, McClintick, Moore, Morgan, Myers, Parsons, Robb, Smith of Marshall, Spilman, Towle, Walker, Watson, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting for Mr. Stevenson were: Messrs. Berry, Bevins, Blackman, Breyfogle, Bruner, Butts, Clark, Corbin, Farris, Gable (Frank M.), Gable (Thos. P.), Games, Henderson, Hossack, James of Wyandotte, Legate, Martin of Miami, Miller, Rice, Richards, Rood, Scott, Shaw, Stewart, Tucker, and Woodard.

Gentlemen absent or not voting were: Messrs. Clapp, Congdon, Gilmore, and Greiffenstein.

No person having received a majority of all the votes cast, there was no election.

Mr. Bruner withdrew the name of Mr. Stevenson.

The House proceeded with a

#### FIFTH BALLOT,

With the following result:

Whole number of votes cast, 125; necessary to a choice, 63; absent or not voting, 4.

Mr. Pratt received 89 votes.

Mr. Higgason received 36 votes.

Gentlemen voting for Mr. Pratt were: Messrs. Albin, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Bevins, Biddle, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable, (Frank M.), Gable, (Thos. P.), Games, Godfrey, Greever, Hall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Hutchison, James of Wyandotte, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Majors, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Parsons, Price, Prunty, Randolph, Rice, Riggs, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Higgason were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Beaty, Bishop, Blackman, Brown, Calvin, Fisler, Gillespie, Gil-

more, Hamilton of Marshall, Hamilton of Norton, Humes, James of Shawnee, Keller, Loy, Manning, Martin of Kingman, McClin-tick, Moore, Morgan, Myers, Richards, Robb, Spilman, Towle, Tucker, Walker, Watson, White, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Gentlemen absent or not voting were: Messrs. Congdon, Greif-fenstein, Rath, and Raybell.

Mr. Pratt, having received a majority of all the votes cast, was declared duly elected Assistant Sargeant-at-Arms of the House of Representatives.

Mr. Pratt came forward and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Assistant Sergeant-at-Arms of the House of Representatives of the State of Kansas, to the best of my ability, So help me God.

(Signed)

I. V. PRATT.

Sworn and subscribed to before me, this 15th day of January,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

The election of

DOORKEEPER

Being next in order, the following nominations were made:

Mr. Robb nominated R. E. Jenness, of Franklin county.

Mr. Keller nominated D. McCrary, of Jackson county.

Mr. Brinkman nominated J. W. Ijams, of Jefferson county.

Mr. Games nominated W. J. Blaine, of Cowley county.

Mr. Loy nominated L. Horr, of Lyon county.

The roll was called, with the following result:

Whole number of votes cast, 123; necessary to a choice, 62;  
absent or not voting, 6.

Mr. Jenness received 56 votes.

Mr. McCrary received 7 votes.

Mr. Ijams received 34 votes.

Mr. Blaine received 12 votes.

Mr. Horr received 14 votes.

Gentlemen voting for Mr. Jenness were: Messrs. Albin, Ander-

son of Cherokee, Armstrong, Ballard, Barber, Berry, Bevins, Blanchard, Boggs, Bower, Bronson, Clapp, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ellison, Ewing, Gilmore, Hall, Hamilton of Norton, Helmick, Humes, Kennedy, Kollock, Legate, Majors, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Parsons, Prunty, Richards, Riggs, Robb, Rood, Sallee, Selover, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Tallman, Towle, Tucker, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mr. McCrary were: Messrs. Alexander, Briggs, Bull, James of Shawnee, Keller, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting for Mr. Ijams were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Bishop, Blackman, Brinkman, Butts, Callen, Calvin, Clogston, Eastland, Eckles, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Hamilton of Marshall, Hodge, Hossack, Hutchison, James of Wyandotte, Lawson, Martin of Kingman, Martin of Labette, Myers, Price, Randolph, Rath, Seaton, Spilman, Wait of Lincoln, Waite of Pawnee, and Willey.

Gentlemen voting for Mr. Blaine were: Messrs. Biddle, Breyfogle, Bruner, Games, Godfrey, Henderson, Hewins, Leonard, Martin of Miami, Rice, Shaw, and Stewart.

Gentlemen voting for Mr. Horr were: Messrs. Baker, Beaty, Bissell, Hartshorne, Hankins, Huffaker, Loy, Morgan, Scott, Taylor, Wait of Lincoln, Walker, and Watson.

Gentlemen absent or not voting were: Messrs. Barrackman, Brown, Congdon, Gillespie, Greiffenstein, and White.

No person having received a majority of all the votes cast, there was no election.

Mr. Wilson, of Jackson, withdrew the name of Mr. McCrary, of Jackson.

Mr. Loy withdrew the name of Mr. Horr.

The House proceeded to a

## SECOND BALLOT,

With the following result:

Whole number of votes cast, 123; necessary to a choice, 62; absent or not voting, 6.

Mr. Jenness received 78 votes.

Mr. Ijams received 45 votes.

Mr. Blaine received 2 votes.

Gentlemen voting for Mr. Jenness were: Messrs. Albin, Anderson of Cherokee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Brown, Calvin, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ellison, Ewing, Gillespie, Gilmore, Hall, Hamilton of Norton, Helmick, Hewins, Hossack, Huffaker, Humes, James of Shawnee, Kelly, Kennedy, Kollock, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting for Mr. Ijams were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Bevins, Bishop, Brinkman, Bruner, Bull, Butts, Callen, Clogston, Eastland, Eckles, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hamilton of Marshall, Hankins, Henderson, Hodge, Hutchison, James of Wyandotte, Keller, Lawson, Martin of Miami, Myers, Price, Rath, Raybell, Rice, Seaton, Spilman, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Messrs. Stewart and Leonard voted for Mr. Blaine.

Gentlemen absent or not voting were: Messrs. Breyfogle, Briggs, Clapp, Godfrey, Greiffenstein, Hartshorne, and White.

Mr. Jenness, having received a majority of all the votes cast, was declared duly elected Doorkeeper of the House.

Mr. Jenness subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Doorkeeper of the House of Representatives of the State of Kansas. So help me God.

(Signed) R. E. JENNESS.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

## FIRST ASSISTANT DOORKEEPER.

The following nominations were made:

Mr. Humes nominated John J. Donahue, of Atchison county  
Mr. Wilson, of Jackson, nominated F. M. Higgason, of Norton county.

Mr. Armstrong nominated W. T. Smith, of Wyandotte county.

Mr. Stewart nominated John Carter, of Shawnee county.

Mr. Legate nominated W. L. Eagleson, of Shawnee county.

Mr. ——— nominated C. J. Burke, of Marshall county.

The roll was called, with the following result:

Whole number of votes cast, 125; necessary to a choice, 63;  
absent or not voting, 4.

Mr. Donahue received 39 votes.

Mr. Eagleson received 46 votes.

Mr. Carter received 24 votes.

Mr. Smith received 13 votes.

Mr. Burke received 2 votes.

Mr. Higgason received 1 vote.

Mr. Biddle voted for Mr. Higgason.

Mr. Smith of Marshall and Mr. Hamilton of Marshall voted  
for Mr. Burke.

Gentlemen voting for Mr. Smith were: Messrs. Albin, Armstrong, Breyfogle, Bruner, Clogston, Faulkner, Greever, James of Wyandotte, Raybell, Rice, Walker, and Woodard.

Gentlemen voting for Mr. Donahue were: Messrs. Anderson of Ellsworth, Ballard, Bevins, Bissell, Bower, Briggs, Brinkman, Butts, Callen, Danhaur, Donahue, Eggers, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Hall, Henderson, Hewins, Humes, Kelly, Kennedy, Martin of Kingman, McClintick, McKay, McMillen, Morgan, Parsons, Price, Prunty, Rath, Richards, Riggs, Selover, Tallman, and Speaker Clarke.

Gentlemen voting for Mr. Carter were: Messrs. Anderson of Shawnee, Barrackman, Berry, Bishop, Blanchard, Boggs, Brown, Congdon, Cunningham, Helmick, James of Shawnee, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, Randolph, Robb, Scott, Smith of Bourbon, Stewart, Stitt, Towle, and Wait of Lincoln.

Gentlemen voting for Mr. Eagleson were: Messrs. Alexander, Anderson of Cherokee, Baker, Barber, Blackman, Bull, Calvin,



Clark, Cool, Eastland, Eckles, Ellison, Games, Gillespie, Hamilton of Norton, Hartshorne, Hankins, Hodge, Hossack, Huffaker, Hutchison, Keller, Kollock, Lawson, Legate, Leonard, Manning, Miller, Moore, Myers, Robb, Sallee, Seaton, Shaw, Spilman, Stumbaugh, Taylor, Tucker, Wait of Lincoln, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

The names of Messrs. Smith and Burke were withdrawn.

No person having received a majority of all the votes cast, there was no election.

Whereupon the House proceeded to a

#### SECOND BALLOT,

With the following result:

Whole number of votes cast, 127; necessary to a choice, 65; absent or not voting, 2.

Mr. Eagleson received 65 votes.

Mr. Donahue received 61 votes.

Mr. Carter received 1 vote.

Gentlemen voting for Mr. Eagleson were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Biddle, Bissell, Blackman, Boggs, Breyfogle, Bronson, Bruner, Bull, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Cunningham, Eastland, Faulkner, Games, Gillespie, Hamilton of Norton, Hartshorne, Hankins, Hodge, Hossack, Huffaker, James of Shawnee, Keller, Kollock, Lawson, Legate, Loy, Manning, McCrumb, Miller, Moore, Myers, Randolph, Raybell, Rice, Richards, Robb, Sallee, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen voting for Mr. Donahue were: Messrs. Anderson of Ellsworth, Baker, Ballard, Beaty, Berry, Bevins, Bishop, Blanchard, Bower, Briggs, Brinkman, Brown, Butts, Callen, Corbin, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, Humes, Hutchison, James of Wyandotte, Kelly, Kennedy, Leonard, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Morgan,



Parsons, Price, Prunty, Rath, Riggs, Rood, Scott, Selover, Tallman, Wait of Linn, Walker, Watson, Woodard, and Speaker Clarke.

Mr. Smith, of Marshall, voted for Mr. Carter.

Gentlemen absent or not voting were: Messrs. Greiffenstein and White.

Mr. Eagleson, having received a majority of all of the votes cast, was declared duly elected First Assistant Doorkeeper of the House; whereupon he came forward and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of First Assistant Doorkeeper of the House of Representatives. So help me God.

(Signed) WM. L. EAGLESON.

Sworn and subscribed to before me, this 15th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Nominations for

#### SECOND ASSISTANT DOORKEEPER

Being in order, Messrs. John J. Donahue, of Atchison county; John B. Lyon, of Miami county; John Carter, of Shawnee county; John Davis, of Douglas county; C. J. Burke, of Marshall county; and I. H. Ivey, of Shawnee county, were nominated.

The roll was called, with the following result:

Whole number of votes cast, 121; necessary to a choice, 62; absent or not voting, 6.

Mr. Donahue received 61 votes.

Mr. Lyon received 24 votes.

Mr. Carter received 18 votes.

Mr. Davis received 11 votes.

Mr. Burke received 5 votes.

Mr. Ivey received 2 votes.

Gentlemen voting for Mr. Burke were: Messrs. Baker, Bissell, Bull, Waite of Pawnee, and Wilson of Nemaha.

Gentlemen voting for Mr. Ivey were: Messrs. James of Shawnee, and Wilson of Jackson.

Gentlemen voting for Mr. Donahue were: Messrs. Albin, Armstrong, Barrackman, Beaty, Berry, Bevins, Briggs, Brinkman, Bronson, Butts, Callen, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Gilmore, Hall, Hartshorne, Hankins, Henderson, Hewins, Huffaker, Humes, Hutchison, Kelly, Kennedy, Kollock, Legate, Leonard, Majors, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Morgan, Parsons, Price, Prunty, Randolph, Rath, Sallee, Scott, Seaton, Selover, Tallman, Wait of Linn, Walker, Watson, Willey, Woodard, and Wright.

Gentlemen voting for Mr. Lyon were: Messrs. Barber, Biddle, Bishop, Blanchard, Boggs, Breyfogle, Clark, Cool, Corbin, Faulkner, Games, Godfrey, Greever, Hamilton of Norton, Martin of Miami, Moore, Raybell, Rice, Robb, Rood, Shaw, Smith of Bourbon, Stewart, and Towle.

Gentlemen voting for Mr. Carter were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Brown, Calvin, Cunningham, Gillespie, Helmick, Hodge, Hossack, Lawson, Loy, Manning, Myers, Smith of Marshall, Spilman, Stitt, Stumbaugh, and Wait of Lincoln.

Gentlemen voting for Mr. Davis were: Messrs. Alexander, Ballard, Blackman, Bower, Bruner, Hamilton of Marshall, Keller, Richards, Riggs, Taylor, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Clapp, Clogston, Congdon, Greiffenstein, James of Wyandotte, Tucker, and White.

Mr. Donahue, having received a majority of all the votes cast, was declared duly elected Second Assistant Doorkeeper of the House of Representatives.

Mr. Donahue appeared, and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States, the constitution of the State of Kansas, and that I will faithfully discharge the duties of Second Assistant Doorkeeper of the House of Representatives. So help me God.

(Signed)

JOHN J. DONAHUE.

Sworn and subscribed to before me, this 15th day of January,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

The election of

POSTMASTER

Being next in order, Mr. Kollock nominated H. C. Rood, of Marion county.

Mr. Callen nominated David Lucas, of Marion county.

Mr. James, of Shawnee, nominated D. O. McCray, of McPherson county.

Mr. Eckles nominated J. W. Beatty, of Miami county.

Mr. Hewins nominated C. E. Moore, of Chautauqua county.

The roll was called, with the following result:

Whole number of votes cast, 125; necessary to a choice, 63; absent or not voting, 4.

Mr. Lucas received 76 votes.

Mr. Beatty received 20 votes.

Mr. McCray received 12 votes.

Mr. Moore received 12 votes.

Mr. Rood received 5 votes.

Gentlemen voting for Mr. Lucas were: Messrs. Alexander, Anderson of Ellsworth, Ballard, Barber, Beaty, Bevins, Bissell, Blanchard, Boggs, Bower, Bull, Callen, Clapp, Cool, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Fisler, Gable (Frank M.), Gable (Thos. P.), Gilmore, Greever, Hamilton of Norton, Hankins, Helmick, Henderson, Hodge, Hossack, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Lawson, Legate, Majors, Martin of Kingman, Martin of Labette, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting for Mr. McCray were: Messrs. Albin, Anderson of Shawnee, Baker, Brinkman, Bronson, Congdon, Ewing, Faulkner, James of Wyandotte, McClintick, Prunty and Tucker.

Gentlemen voting for Mr. Beaty were: Messrs. Anderson of Cherokee, Armstrong, Biddle, Bishop, Breyfogle, Brown, Butts,

Eckles, Farris, Fisler, Games, Gillespie, Godfrey, Hamilton of Marshall, Martin of Miami, Rice, Scott, Shaw, Smith of Bourbon, Stewart, and Speaker Clarke.

Gentlemen voting for Mr. Rood were: Messrs. Clogston, Huffaker, Kollock, Loy, and Morgan.

Gentlemen voting for Mr. Moore were: Messrs. Barrackman, Berry, Calvin, Clark, Corbin, Hall, Hartshorne, Hewins, Humes, Lawson, Manning, and McCrumb.

Gentlemen absent or not voting were: Messrs. Blackman, Briggs, Bruner, and Greiffenstein.

Mr. Lucas, having received a majority of all the votes cast, was declared duly elected Postmaster of the House.

Mr. Lucas appeared, took and subscribed the following oath of office, which was duly administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of the office of Postmaster of the House of Representatives. So help me God.

(Signed) DAVID LUCAS.

Sworn and subscribed to before me, this 15th day of January, A. D. 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted House concurrent resolution No. 1, appointing a joint committee to wait upon the Governor to inform him of the organization of the Legislature, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary.*

The election of

#### PAGES

Being next in order, Mr. Smith, of Marshall, offered the following resolution, and moved its adoption:

*Resolved*, That in taking the vote for Pages, each member rise in his place and announce the names of eight candidates at one

vote, and that the eight having the highest number of votes shall be declared elected.

The resolution was adopted.

The following-named persons were voted for :

Harlan Cummings received 104 votes.

Inez Lincoln received 91 votes.

Louisa Smith received 89 votes.

Myrtle Swafford received 87 votes.

Wilbert Glasscock received 81 votes.

Geo. W. Stafford received 50 votes.

John Johnston received 40 votes.

Clarence Fleischer received 37 votes.

Walter Nugent received 36 votes.

Master Burdick received 31 votes.

Miss Liddle received 29 votes.

Master Gray received 26 votes.

Master Sanborn received 25 votes.

Master Gibson received 25 votes.

Master Seeler received 24 votes.

Master Van Orsdal received 22 votes.

Master Hartshorne received 21 votes.

Master Lockwood received 19 votes.

Master Conwell received 19 votes.

Master Bettis received 19 votes.

Master Smith received 17 votes.

Master Whiting received 17 votes.

Master Cannon received 14 votes.

Master Booth received 14 votes.

Master Potter received 14 votes.

Master Scott received 14 votes.

Master King received 12 votes.

Master Nelson received 10 votes.

Master Brewer received 10 votes.

Master Knox received 8 votes.

Master Bruner received 4 votes.

Master Felitz received 2 votes.

Master Early received 1 vote.

Master Collins received 1 vote.

Master Willard received 1 vote.



Master Turner received 1 vote.

Pending the announcement of the vote, on motion, the House adjourned until 10 A. M. to-morrow.

WIRT W. WALTON, *Chief Clerk.*

## THIRD DAY.

### MORNING SESSION.

HALL OF HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 16, 1879. }

House called to order; Speaker *pro tem.* Price in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kollock, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Richards, Riggs, Robb, Rood, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Wright.

Absentees: Messrs. Brown, Callen, Clark, Congdon, Corbin, Donahue, Ellison, Fisler, Gilmore, Hamilton of Norton, Hosack, Kennedy, Loy, Raybell, Sallee, Seaton, Selover, Stewart, Wait of Linn, Wilson of Jackson, and Speaker Clarke.

Quorum present.

The order of business being the reading of the journal of yes-

terday, the Journal Clerk presented the following communication:

MR. SPEAKER: Owing to the necessity of a very careful examination of the House rolls on votes for officers of the House yesterday, the journal for yesterday is not yet complete, which delay it is hoped the House may for this once appreciate.

Respectfully,

J. C. HEBBARD, *Journal Clerk*.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 5, providing for a joint session of the Legislature to receive the Governor's message, and respectfully desires your concurrence therein.

H. BRANDLEY, *Secretary*.

The Chief Clerk announced the result of the ballot for Pages, as shown by the vote of yesterday, as follows:

Harlan Cummings received 104 votes.

Inez Lincoln received 91 votes.

Louisa Smith received 89 votes.

Myrtle Swafford received 87 votes.

Wilbert Glasscock received 81 votes.

George Stafford received 50 votes.

John Johnston received 40 votes.

Clarence Fleischer received 37 votes.

Being the eight persons receiving the highest number of votes cast, they were declared duly elected Pages of the House of Representatives. They subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

We do solemnly swear that we will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Pages of the House of Representatives. So help us God.

(Signed)

HARLAN CUMMINGS.

INEZ LINCOLN.

LOUISA SMITH.

MYRTLE SWAFFORD.

WILBERT GLASSCOCK.

GEO. W. STAFFORD.

JOHN JOHNSTON.

CLARENCE FLEISCHER.

Sworn and subscribed to before me, this 16th day of January,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

On motion, leave of absence was granted Mr. James, of Shawnee, on account of sickness.

Senate concurrent resolution No. 5 was called up, and read, as follows:

*Resolved by the Senate, the House concurring therein,* That a joint session of the two bodies be held at 11:30 o'clock A. M., for the purpose of receiving the Governor's message.

The question being on concurring in the resolution, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 124 (majority under the rule, 63); yeas, 106; nays, 18; absent or not voting, 5.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ewing, Faulkner, Gable (Thos. P.), Games, Gillespie, Godfrey, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Hutchison, Keller, Kelly, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Berry, Bevins, Blackman, Briggs, Butts, Ellison, Farris, Gable (Frank M.), Gilmore, Greever, Hamilton of Norton, Hewins, Humes, James of Wyandotte, Kennedy, Legate, McClintick, and Watson.

Gentlemen absent or not voting were: Messrs. Fisler, Greifenstein, James of Shawnee, Selover, and Speaker Clarke.

The resolution was concurred in.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that Senators Murdock and Robinson have been appointed members of the joint committee to wait upon the Governor, in accordance with Senate concurrent resolution No. 1.

H. BRANDLEY,

*Secretary of the Senate.*

The following-named gentlemen were appointed by Speaker *pro tem*. Price as members of the joint committee to wait upon the Governor, in accordance with Senate concurrent resolution No. 1: Messrs. Biddle, Randolph, and Anderson of Cherokee.

## DRAWING OF SEATS.

Mr. Smith, of Marshall, offered the following resolution, and moved its adoption:

*Resolved*, That we now proceed to draw for seats, in the following manner: That the Chief Clerk shall write on slips of paper the names of all the counties having Representatives upon the floor of the House, the same to be placed in a hat, and that the Chief Clerk shall draw therefrom one slip at a time, and announce the name of the county so drawn. The Representatives from such counties shall proceed to select their seats from any seats not before selected.

Mr. Humes moved, as an amendment, that the members occupy the seats they now have, which motion did not prevail.

The question being on the adoption of the resolution, the resolution was adopted.

Mr. Smith, of Marshall, moved that the House take a recess, while the Clerk prepared the tickets, subject to the call of the Speaker, which motion prevailed.

On reassembling, the tickets were drawn, and the counties named in the following order by the Clerk: Rush, Ellis, Wabunsee, Cherokee, Kingman, Pawnee, Dickinson, Neosho, Wyandotte, Sumner, Cowley, Ford, Washington, Labette, Franklin, McPherson, Allen, Doniphan, Leavenworth, Jefferson, Harvey, Miami, Montgomery, Barbour, Chautauqua, Republic, Atchison, Anderson, Wilson, Coffey, Douglas, Crawford, Woodson, Sedgwick, Russell, Clay, Saline, Ottawa, Rice, Smith, Davis, Butler, Johnson, Norton, Lincoln, Harper, Marshall, Ellsworth, Mitchell,

Jewell, Edwards, Shawnee, Cloud, Nemaha, Brown, Morris, Barton, Elk, Greenwood, Bourbon, Marion, Pottawatomie, Riley, Chase, Lyon, Jackson, Linn, Rooks, Reno, Phillips, and Osborne.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Biddle, chairman, on the part of the House, submitted the following report from the committee appointed to wait upon the Governor:

MR. SPEAKER: Your joint committee, appointed under Senate concurrent resolution No. 1, to wait upon the Governor and inform him that the Legislature is now organized, and ready to receive any communication he may make to the Legislature, beg leave to make the following report:

We waited upon the Governor, and informed him of the organization of the Legislature, as required by said concurrent resolution, and requested him to inform us of the mode and manner in which he desired to deliver his message. He informed us, and we report, that he desires to deliver a message in person to the Legislature in joint session, at once.

W. R. BIDDLE,

*Chairman, on the part of the House.*

T. B. MURDOCK,

*Chairman, on the part of the Senate.*

Mr. Seaton offered the following resolution:

*Resolved*, That smoking be prohibited in the House during the session.

Mr. James, of Wyandotte, moved to lay the resolution on the table, which motion did not prevail.

The question being on the adoption of the resolution, the resolution was adopted.

Mr. Greever moved that the House adjourn until 2 o'clock P. M., which motion did not prevail.

#### JOINT SESSION.

Mr. Smith, of Marshall, moved that the Chief Clerk be directed to inform the Senate that the House is now ready to receive the Senate in joint session, for the purpose of hearing the Governor's message.

The motion prevailed, and the Senate was so informed; where-



upon the Sergeant-at-Arms of the House announced the Senate, accompanied by the Lieutenant Governor and its officers.

The convention was called to order by Lieutenant Governor Humphrey, President of the Senate.

The Secretary of the Senate called the roll of the Senate, all the Senate being present, and answering as follows: Messrs. Benedict, Bradbury, Bradley, Brown, Buchan, Carpenter, Evans, Finch, Finney, Gillett, Gillpatrick, Grass, Greene, Griffin, Guthrie, Hadley, Hallowell, Hamlin, Harris, Henry, Johnston, Kellogg, Kirk, Matthewson, Metsker, Meyers, Morrill, Murdock, Nichols, Ping, Pyburn, Richey, Robinson, Savage, Sluss, Spurgeon, Taylor, Wells, Williams, and Woodworth.

The roll of the House was called by the Chief Clerk, the following gentlemen being present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Absentees: Messrs. Fisler, Greiffenstein, James of Shawnee, James of Wyandotte, Selover, and Speaker Clarke.

Quorum of the convention present.

His Excellency Governor John P. St. John was introduced, whereupon he delivered the following message:

## GOVERNOR'S MESSAGE.

*To the Legislature:* Kansas, during the two years intervening since your last session, has enjoyed a degree of prosperity without a parallel during the same period in any of the States in the Union. The population of the State has increased at the rate of one hundred thousand per annum; the labor of the husbandman has been rewarded with abundant harvests; the facilities for transportation have been greatly increased; our manufacturing interests are in an encouraging condition; the mineral resources of the State have been rapidly developed; civilization has planted itself on the western frontier, where, but a few years ago, were found only the broad, fertile prairies, which are now populated by a class of citizens whose school-houses, churches, thriving towns, and well-cultivated farms furnish abundant evidence of their intelligence, industry, enterprise, and progressive spirit.

Business enterprises have revived and increased; and to-day, Kansas, young in years but strong in natural resources, with an industrious, intelligent population of nine hundred thousand people, located near the geographical, and in course of time to be the commercial, center of the United States, profiting by the lessons learned through past reverses and hardships necessarily incident to pioneer life, looks to the future full of hope and promise for the prosperity and happiness of her people.

## INDIAN RAID.

I regret that the existence of the fact that during the months of last September and October a band of Cheyenne Indians, variously estimated at from one hundred to two hundred in number, raided the western border of our State, makes it my duty to call your attention to this matter; and without stopping to discuss the causes, if any existed, that led to this raid, it is sufficient to be able to state, from a personal investigation of the facts, that no citizen of Kansas, nor any other person within our State, gave the slightest provocation for the brutal outrages committed by this roving band of murderers.

It is a fact, no less humiliating than true, that about twenty-five days elapsed from the time these Indians crossed the southern boundary of our State until they reached the county of Decatur, on its northern limit; moving in their line of march northward along the western border of the frontier settlements, making in-

cursions into sparsely-settled districts, where the people were wholly unable to protect themselves, killing as they did about forty citizens, destroying and carrying away large amounts of property, and committing outrages upon defenseless women and children, so brutal, heinous, and revolting in their nature as to never be forgiven or forgotten. In declining to discuss the question touching the effort made by our State and national authorities to protect the settlers against the outrages committed by this lawless band of savages, I do not wish to be understood as casting any unjust reflections upon any one.

The duty of the hour is not so much to deal with the past, but to look to the future with a determination that a repetition of these outrages shall never again occur in our State. The doors of Kansas have been thrown open wide, and a cordial invitation extended to the industrious, law-abiding people of all portions of the civilized world to come among us and build for themselves homes. Many who have accepted this invitation have chosen for their habitation our western frontier, and it becomes an imperative duty of our State to protect the lives and property of these citizens against every invasion by predatory bands of lawless savages who attempt or threaten to deprive them of either, and to administer to such bands within our borders prompt and merited punishment, and delay the settlement of all technical questions that may be interposed until after the safety of the citizen has been fully secured.

Section 11 of chapter 64 of the General Statutes of 1868 provides:

"That in case of insurrection, invasion, or threatened invasion, the commander-in-chief may order into active service any company, regiment or brigade, or any portion of either he may designate, in such forms of organization as he may direct," &c.

While section 15 of the same chapter provides:

"That all expenses provided for by this act shall be sworn to by the officer making the same, and approved by the Major General, or Brigadier General, certifying that the same were incurred by his order and were necessary for the service, and the amount thereof reasonable and just; and the Auditor of State shall audit the same, and as soon as any moneys are appropriated for military purposes, the Auditor shall draw his warrant on the Treasurer, who shall pay the same."

Under section 11, the commander-in-chief has no power to act except in cases of insurrection, invasion, or *threatened* invasion.

Experience has taught us that hostile Indians do not send advance couriers to notify the frontiersman either of their coming or intent, but the first notice generally given, or received, is by their murderous attacks upon those who are unprotected and unable to successfully defend themselves. Under section 15, it matters not what the exigency of the case may require, not a dollar can be had for *any* purpose until the expenses have been incurred, and an appropriation made to pay the same. I therefore respectfully recommend that an appropriation be made as a military contingent fund sufficient in amount—should circumstances at any time require it—to uniform, mount, equip, and pay, a limited number of reliable, discreet men, under command of an efficient officer, whose duty it shall be, at such times and places as may be deemed advisable, to act as a patrol on the frontier, and promptly give warning of every approach of danger; and thus the citizen, having due notice, and promptly aided in his defense by the State, could be made secure in the enjoyment of his life and property.

Such an appropriation should have thrown around it such stringent safeguards as would require strict accountability from every officer or person having charge of the disbursement of any portion of such fund.

And I further recommend, that a committee be appointed to ascertain the extent of the damage sustained by citizens from the raid by said Indians, to the end that necessary steps may be taken to secure the payment thereof.

#### STATE FINANCES, AND REPORTS OF OFFICERS.

I transmit herewith the biennial reports of the State officers. These reports furnish a very full, complete, and satisfactory exhibit of the business transactions of the respective departments from which they emanate, from December 1st, 1876, to June 30th, 1878, and of which I respectfully request a careful perusal.

The total receipts of the treasury from November 30th, 1876, to June 30th, 1877, including balance in treasury, December 1st, 1876, amount to \$850,064.88; while the disbursements during the same period amount to \$471,849.08, leaving a balance in the treasury, June 30th, 1877, of \$378,215.80. The total receipts, including balance in the treasury, June 30th, 1877, for the fiscal year ending June 30th, 1878, amount to \$1,584,891.10; while



the total disbursements during the same period amount to \$1,272,910.92, leaving a balance in the treasury, June 30th, 1878, of \$311,980.18; which sum is made up of the several funds, as follows:

General revenue.....	\$117,927 68
Sinking fund.....	5,871 72
Interest fund.....	48,810 45
Permanent school fund.....	30,214 97
Annual school fund.....	101,442 49
University fund.....	353 00
Military fund.....	272 08
Railroad tax fund.....	2,780 67
Agricultural College fund.....	223 42
Normal School fund.....	4,083 70
Total .....	\$311,980 18

It will be noticed by comparing the respective reports of the Auditor and Treasurer, that there is an apparent discrepancy between the balance reported as being in the treasury at the close of the fiscal year ending June 30th, 1878, amounting to \$830.89. This is the amount of deficiency of ex-Treasurer Lappin, and is properly included in the balance as reported by the Auditor, he having no authority to omit it; but the amount so included by the Auditor not being money in the treasury, is properly excluded by the Treasurer in his reported cash balance.

The total bonded debt of the State, June 30th, 1878, was \$1,181,975, of which amount \$607,925 is held by the permanent school fund, \$94,275 by the sinking fund, \$9,800 by the State University, and \$1,600 by the State Normal School. The remainder, being \$468,375, is held by private individuals and corporations.

From this aggregate amount of bonded debt may be deducted bonds of our State, \$94,275; United States bonds, \$22,600; cash in the treasury, June 30th, 1878, \$5,871.72, all belonging to the sinking fund—leaving the real balance of our bonded debt only \$1,059,228.28.

On January 1st, 1877, \$54,000 of the bonded debt of our State matured and was promptly paid; and it is a fact of which every Kansan may well be proud, that every class of matured indebtedness of the State which has been presented, and which the Treasurer is authorized to pay, has been paid with like promptness. And the financial condition and credit of the State to-day is such, that if sufficient funds were in the treasury to liquidate



the entire bonded indebtedness of the State, it could only be done either by waiting until the bonds matured, or by purchasing the bonds at a premium on their face value, and paying interest to date.

The several State officers, in their respective reports, make a number of recommendations in relation to amendments of and additions to our present laws. These recommendations being based upon the actual experience of these officers, coupled with a thorough study and investigation of the matters to which they refer, entitles them to, and I respectfully invite you to give them, an earnest and careful consideration.

#### PENITENTIARY.

The report of the Directors of the Penitentiary embraces the respective reports of the Warden, Chaplain, and Physician, and is transmitted herewith. It is very comprehensive, and furnishes complete information touching the condition of that institution. An examination of the report shows that the daily average number of prisoners confined in the Penitentiary from December 1, 1876, to June 30, 1877, was 415; while the daily average from June 30, 1877, to the close of the fiscal year, June 30, 1878, was 465; and that the number of prisoners confined at the latter date was 500. There have been discharged during the period covered by this report—

By expiration of sentence:

State prisoners.....	165
United States prisoners.....	28

By pardons:

State prisoners.....	43
United States prisoners.....	6

By commutation of sentence:

State prisoners.....	15
----------------------	----

Five prisoners have been returned to counties for new trials, eleven transferred to the Asylum for the Insane, six have died, and two escaped, of which one has been recaptured and returned to the prison.

The aggregate earnings of this institution, according to the estimates, embracing a period from July 1, 1879, to June 30, 1881, inclusive, will be \$127,400; while the current expenses for the same period are estimated at \$203,365, leaving the amount of expenses over earnings, \$75,965.

In asking your attention to the several suggestions and recommendations embraced in this report, I feel it my duty to especially

impress upon you the importance of that portion recommending the establishment of a reform school for youthful criminals. This question has been agitated for years. It has been frequently urged, with much force and reason, not only in former reports from this institution, but also in the message of my predecessor. The dictates of humanity, the safety of society, and the welfare of the youth of our State, appeal to you for an earnest and prompt consideration of this question; and I trust that the necessary measures may be adopted without further delay for the organization of such an institution.

#### PRISON LABOR.

Many complaints have been made that the present policy of employing prisoners in the manufacture of such articles as are produced only by skilled labor, brings the labor of the convict in direct competition with the honest, industrious mechanics of our State.

These complaints are not without foundation. The Penitentiary derives its capital from the State; it pays no taxes, but is a necessary burden. While the mechanic derives *his* capital from his labor, he pays taxes, is expected to obey the laws, and in obeying them, is required to contribute his quota toward sustaining a system of convict labor, directly in conflict with the means upon which he depends for a support. Yet duty to the State as well as to the prisoner requires that he should be employed, and that such employment should, as near as possible, be made to defray the expenses incurred by the State on his account.

I therefore suggest the appointment of a committee to take into consideration this whole question, relating to the present system of convict labor at this institution, with a view to the adoption, if practicable, of such measures as will in due time obviate this apparent injustice to the mechanics of our State.

#### ASYLUM FOR THE BLIND.

The report of this institution shows that forty-five pupils were in attendance at the close of the term ending June 7, 1878. The estimates for the current expenses for the fiscal years ending respectively June 30, 1880 and 1881, are \$13,513 and \$13,903. This is exclusive of the sum of \$3,000, which the Trustees and Superintendent allege is required to erect and furnish a hospital building, which the health of the students, as well as the success of the school, demands.

## INSTITUTION FOR EDUCATION OF THE DEAF AND DUMB.

This institution seems to be well conducted, and is in an encouraging condition. The whole number of pupils enrolled from November 30, 1876, to June 30, 1878, is one hundred and nine.

The sanitary condition as shown by the report of Dr. C. G. McKinley, the attending physician, is remarkably good—not a death having occurred in the institution during the past six years. The respective reports of the Trustees and Superintendent are well worthy of a careful perusal.

In addition to the necessary appropriation for current expenses, the sum of \$60,000 is asked for, to erect public buildings. The necessity for such an appropriation is very clearly and forcibly presented by the Superintendent in his report, to which I respectfully direct your attention, and will only add that a personal inspection of the institution will fully vindicate the Superintendent in his earnest appeals for additional room.

## ASYLUMS FOR THE INSANE.

Of the three hundred and sixty inmates under treatment during the biennial period ending June 30, 1878, at the asylum located near Osawatomie, fifty-nine have been discharged, restored; twenty, improved; seventeen, unimproved; three escaped; one was not insane; thirty have died—leaving two hundred and thirty inmates in the institution at the close of the fiscal year ending June 30, 1878.

I invite your attention to the report of the Trustees and officers of this institution. From this report it will be seen that the most pressing demand of this institution is for more room.

The fact that at the close of the fiscal year ending June 30, 1878, one hundred and sixty-four insane persons were, for want of room, excluded from the State asylum, coupled with the dictates of humanity, the safety of society, and the welfare of this unfortunate and helpless class of our citizens, makes it an imperative duty to provide the necessary means to increase and utilize the capacity of the asylums to meet this demand.

There have already been appropriated various sums, amounting in the aggregate to \$108,999.25, for the purpose of erecting, near the city of Topeka, an additional asylum for the insane. This asylum, as will be seen by the report of the Trustees, is about completed; and it is only necessary, in order that it should

be used for the purposes for which it was erected, that the necessary funds be appropriated to enable the Trustees to finish this asylum and defray its current expenses.

#### PUBLIC SCHOOLS.

The report of the Superintendent of Public Instruction is one of our most valuable and important documents. Of all the reports issued from this department, none has so completely covered all our educational interests, or will be so valuable to the State and its citizens, as the one just published for the school years ending July 31st, 1877, and July 31st, 1878. By this report it will be observed that the total number of school districts in the State is 5,136, being an increase since last report of 271. Number of school houses in the State, 4,520; increase since last report, 363. Value of school property, \$4,527,227; increase since last report, \$250,136. Whole number of persons between the ages of five and twenty-one years, 266,575; increase since last report, 33,701. Number of teachers employed, 6,359, of which 2,861 are males, and 3,498 are females.

The permanent school fund, at the close of the fiscal year, June 30, 1878, amounted to \$1,449,223.87. No State in the Union, in proportion to the age and population of Kansas, possesses a school fund so large; and it must be remembered that to this sum will be added, from time to time, the receipts from sales of the very large body of school lands yet undisposed of.

Our public schools are the pride of the State, and should, as I have no doubt they will be by you, sacredly guarded and maintained.

#### STATE NORMAL SCHOOL AT EMPORIA.

The biennial report of the Regents of the State Normal School, accompanied by a supplemental report, is transmitted herewith. It presents a full statement of the success, embarrassments, reverses, and misfortunes, that have attended this institution since their last report, and from it will be seen that on the night of the 26th of October, 1878, the Normal School buildings, with all their contents, were destroyed by fire. The practical question now to be determined is, What shall be done to retrieve this misfortune to the educational interests of the State?

By an act of the Legislature, approved March 3, 1863, this institution was established, and permanently located at the city



of Emporia, upon condition that a tract of land, not less than twenty acres, adjacent to the town of Emporia, should be donated and secured to the State in fee simple.

To meet these conditions, the citizens of Emporia promptly donated to the State the tract of valuable land upon which the Normal School buildings were afterward erected; and in addition to this, from time to time contributed liberally of their means to add to the success of this institution. But independent of these facts, which it seems to me should have some weight in determining this question, a thoroughly-organized and well-conducted normal school is absolutely necessary to insure the greatest success to our common-school system of education. The success of the common schools is measured by the qualifications of the teachers. Therefore it is important that those desiring to teach, should be provided by the State with the opportunity of attaining the highest grade of qualification. Hence the necessity of a well-conducted institution of this class.

I therefore recommend that an appropriation be made to rebuild and restore to our educational system the Normal School at Emporia.

#### STATE UNIVERSITY.

This institution, as shown by the reports, is in a flourishing condition; and, to insure its continued success, its interests should be carefully guarded, and such aid and encouragement extended to it as will insure the maximum of efficiency in all its departments.

The total receipts of the University, from January 1, 1877, to June 30, 1878, as exhibited in the report, amount to \$46,851.64; while the expenditures during the same period amount to \$46,064.61; leaving balance on hand, June 30, 1878, of \$787.03. The estimated amount required for the fiscal year closing June 30, 1880, is \$43,550 and for the fiscal year closing June 30, 1881, \$27,200.

#### AGRICULTURAL COLLEGE.

Having received no report from the Agricultural College, I can only say that information derived from a recent visit to this institution leads me to believe that it is making satisfactory progress in its various departments, and is a credit to the State.



## STATE BOARD OF AGRICULTURE.

This department continues to do a wonderful work for Kansas. Its reports, so full of valuable and reliable information relating to our State, are not only highly esteemed by our own citizens, but are eagerly sought after by citizens of other States and countries desiring to obtain correct information about Kansas. This department should be liberally sustained by the State, and every necessary provision should be made to increase its efficiency and usefulness. It is to the work of this department that we are indebted for the statistics showing that Kansas has sprung from twenty-fourth in rank among the States in the production of wheat, in 1866, to first in rank in 1878, producing, as she did, over 32,000,000 of bushels; while in the production of corn, Kansas rises from twenty-fifth in rank in 1868, to fourth in rank in 1878.

The rooms occupied by this department are wholly inadequate for the purposes for which they are used, and I respectfully suggest that measures be adopted to provide such additional room as the importance and necessities of the department seem to demand.

## INSURANCE DEPARTMENT.

The report of the Superintendent of Insurance gives a very satisfactory exhibit of the transactions of that department. Several suggestions and recommendations are made by the Superintendent, to which your attention is invited. The total receipts of this department during the year 1877, as shown by the report, were \$13,246.42, which was disbursed as follows: To the school fund, \$3,800; and to the insurance fund, \$9,446.42.

## COMMISSIONER OF FISHERIES.

The report of the Commissioner of Fisheries, to which I request your attention, shows, among other things, a total expenditure of \$330.55; the accidental loss or destruction of one hundred thousand salmon eggs; the deposit, without the authority of the Commissioner, of one hundred thousand young shad in the Kaw river, at Topeka; and recommends the appropriation of \$6,000 to enable him to successfully prosecute his work as such Commissioner.

## PUBLIC LANDS.

I am of the opinion that the interests of the State would be best subserved by concentrating the management and sale of all the school lands of the State, including the lands of the Agricultural College, Normal School and State University under one general head, to be known as the State Land Department, by which all contracts for the sale of land should be either made or approved, and that all payments of principal or interest on land contracts should be made to the head of such department, and covered into the State treasury, to be placed to the credit of the particular fund to which it belongs, and by the Treasurer disbursed according to law. Such a system for the disposition of our public lands would be less expensive, insure greater safety to the purchaser as well as the State, and would be less complicated than our present system. There should also be a provision made for an appraisement of all of said lands by a commission duly created for that purpose, which should personally inspect every tract of such lands, and in their report give a full and complete description of each subdivision of forty acres, embracing quality of soil, stone, water, timber, location, value, &c. Such an appraisement, being entirely freed from local influences, (which make our present system objectionable,) would be uniform and reliable, and more likely to do equal justice to all concerned.

The commission who selected the 265,000 acres of land recently secured to the State from the United States Government, having in their report given such a description from a personal inspection of each tract described, the value of such land might be fixed without revisiting the land. Such an appraisement of all the public lands, once completed, would never have to be repeated, as a board of revision could from time to time increase or lessen the valuation, as circumstances might indicate to be for the best interests of the State.

The policy of the State should be to dispose of its lands as rapidly as it can be done advantageously, and thus not only place the purchase money on interest, but bring the land sold in for taxation; and to this end, I suggest the rate of interest on deferred payments of purchase money be reduced to not exceeding seven per cent. per annum, payable annually, and that the principal be made payable at the option of the purchaser at any

time within twenty years, with a strict provision for forfeiture upon failure to pay interest within a reasonable time after its maturity.

#### SCHOOL LANDS.

In pursuance of the provisions of section 1, chapter 176, of the Laws of Kansas of 1877, authorizing the Governor to appoint an agent for the State, whose duty it should be, among other things, to prosecute to final decision the claims of the State for school lands due the State from the United States on account of Indian reservations, my predecessor appointed as such agent Hon. Samuel J. Crawford, who, after being duly qualified, entered upon the performance of his duties, which have resulted in securing to the State about 265,000 acres of choice lands, in addition to the large body of school lands already owned by the State. No appropriation having been made to defray the necessary expenses connected with the selection of the lands thus secured, and in view of the rapidity with which the Government lands in our State were being disposed of, our State officers, realizing that the best interests of the State required that these lands should be selected at as early a day as possible, united in proceedings that resulted in the appointment of Hon. G. C. West, J. C. McQuary, O. E. Morse, L. A. Thrasher, L. B. Snow, and J. E. Stone, citizens of Kansas, as commissioners to select said lands. These commissioners faithfully and promptly performed their duty by selecting the amount of land due the State, and making a full and complete report thereof, which is now on file in the office of the Auditor of State, and to which you are respectfully referred.

These lands are among the best in the State; and at the average price received for school lands patented to this date will be worth to the State about \$1,120,000. To meet the expenses necessarily incurred in selecting these lands and making a full report thereof, the State officers, to wit, Geo. T. Anthony, Thomas H. Cavanaugh, P. I. Bonebrake, John Francis, Willard Davis, and A. B. Lemmon, united in borrowing, on their personal responsibility, \$2,885.35; upon which sum they are liable to the payment of interest amounting to \$212.94, making a total of \$3,098.29. I therefore recommend that a committee be appointed to investigate the proceedings relating to the selection of these lands, together with the reports and vouchers now on file in the

Auditor's office, and, if found correct, that an appropriation be made to reimburse these officers for the full amount so expended by them in the interests of and for the State, and for which their personal obligation is now outstanding.

#### PRICE RAID CLAIMS.

The report of the board organized in pursuance of the provisions of the acts of February 11th, 1865, and February 26th, 1866, to audit the claims of citizens for services rendered, material and supplies furnished, transportation lost, and damages sustained from the Price raid and in the Indian expedition under General Curtis, in 1864, being unsatisfactory, the Legislature, by act of February 26th, 1867, provided for a new board, to reëxamine these claims. By this act it was provided that the State should assume the payment of the amount this commission should award, by issuing to holders of claims so allowed interest-bearing union military scrip, to be paid out of any appropriation that might thereafter be made by Congress to reimburse the State for such expenditures. This commission awarded: For services, \$218,398.75; supplies and transportation, \$81,682.32; damages, \$131,093.83; property lost, \$35,518.47—making a total award of \$467,293.37.

By the act approved February 17th, 1869, a commission consisting of three disinterested citizens was created to examine in every particular into claims rejected by either of the former commissions for want of proof, and not having passed upon their merit, and all claims that had not been prior thereto audited by either of the former commissions. It is further provided by this act that all claims audited and allowed by the commissioners appointed under the provisions of the acts of February 11th, 1865, and February 26th, 1866, together with all claims for services, transportation, forage, subsistence and property lost in action that might thereafter be audited and allowed by the commissioners appointed under this act, should be and were *thereby assumed* by the State of Kansas; provided, that no claims allowed by the commissioners appointed under the provisions of the act of February 11th, 1865, and rejected by a subsequent commission, should be assumed unless reaudited and allowed by the commissioners appointed under this act; and provided further, that the amount



assumed by the State should not exceed the sum of five hundred thousand dollars.

The commissioners appointed under this act allowed claims to the amount of \$61,221.59, making the aggregate amount of claims \$528,514.96, being \$28,514.96 more than was authorized to be assumed under the provisions of this act. A small amount was also allowed by the Auditor and Treasurer of State, under the act of March 4th, 1873.

Congress, by act of June 8th, 1872, appropriated \$337,054.38, which sum was placed in our State treasury to pay the claims allowed for service, transportation and subsistence of troops, by a commission created under an act of Congress of February 2d, 1871. This money has been paid out by the Treasurer, but not strictly in accordance with the purposes for which it was appropriated, a part of it at least having been applied in payment of scrip issued on account of damages and for services in the Indian expedition, which scrip was not covered by the award of the commissioners appointed under the said act of Congress of February 2d, 1871.

Under the act of the Legislature, approved March 3d, 1877, a State agent has been appointed, whose duty, among other things, as defined by said act, is "to prosecute to a final decision all claims of the State of Kansas against the United States growing out of what is commonly known as the Price raid, and all other claims of the State arising out of depredations committed by the Indians, or occurring during the late war, together with all claims which the State may have against the United States for expenses incurred in organizing, equipping and maintaining troops for the public service."

While the above provisions of the act are sufficiently broad and sweeping to authorize the State agent to prosecute the claims of the State against the United States Government, it by no means meets the obligations of the State to its citizens.

By the act of February 17th, 1869, the State unconditionally assumed these claims of her citizens to an amount not exceeding \$500,000. This was not done until *after* \$467,293.37 of said claims had been passed upon and allowed by its duly-constituted agents; and I can see no reason why all of the \$61,221.59 allowed by the commission created by the act of February 17th, 1869, as well as the small amounts subsequently allowed under



the act of 1873, are not as just, and the holders thereof in excess of the \$500,000 assumed by the State, in equity equally entitled to be paid.

I can make no recommendation that, if adopted by the Legislature, would in my judgment reflect more credit upon the State, and mete out greater justice to the citizens directly interested in this matter, than to ask that a committee be appointed to ascertain, as nearly as possible, the amount of scrip connected with this matter yet outstanding and unpaid; and the adoption of such measures during the present session, as will provide the necessary means for the prompt payment of whatever balance may be so ascertained, remembering that nothing inspires greater confidence in, respect for, and devotion to a State, than the prompt discharge of every just obligation to its citizens.

#### RAILROAD FARES AND FREIGHTS.

There are about 2,300 miles of railroads in operation in Kansas, the assessed value of which, as shown by the report of the Auditor of State, is \$15,525,033.25. While it is true that these railroads have contributed largely to the wealth, prosperity and progress of our State, it is also equally true that not only our people, but the State and General Government, have contributed liberally toward their construction and support.

The railway corporations of Kansas derive their powers from, and the capital invested therein is entitled to, and receives protection at the hands of the State. Their income arising from earnings, is derived mainly from the patronage of the people of Kansas, and the people in return have the right to demand that such limitations, restrictions and regulations touching fares and freights be imposed as will fully protect their interests, and at the same time do no injustice to these corporations.

Our present law, in my judgment, is wholly inadequate. Section 56 of chapter 23 of the General Statutes of Kansas prohibits railway corporations from charging over six cents per mile for transporting passengers. Such a limitation affords no just protection to the traveling public. Nor is it practically any restriction on the corporation, for but few if any railroads now in this country charge six cents per mile, even where there is no limitation. Sections 57, 58 and 59 of same chapter, relating to the classification of, and charges for carrying freight, are less

restrictive, if possible, than said section 56. Besides, by these sections, the classification of freights being left entirely at the discretion of the railroad companies, the restrictions and limitations therein attempted to be imposed are ineffective.

I therefore suggest that this law be so amended as to clearly define the limitations, restrictions and regulations relating to charges for fares and freights, and that such limitations, restrictions and regulations be made to do, as nearly as possible, equal justice to the railroads and the people, and thus have the rights of both parties touching this question definitely settled.

#### TEMPERANCE.

The subject of temperance, in its relation to the use of intoxicating liquors as a beverage, has occupied the attention of the people of Kansas to such an extent, that I feel it my duty to call your attention to some of its evils, and suggest, if possible, a remedy therefor. Much has been said of late years about hard times, and extravagant and useless expenditures of money; and in this connection, I desire to call your attention to the fact, that here in Kansas, where our people are at least as sober and temperate as are found in any of the States in the west, the money spent annually for intoxicating liquors would defray the entire expenses of the State government, including the care and maintenance of all its charitable institutions, Agricultural College, Normal School, State University, and Penitentiary—and *all* for something that, instead of making mankind nobler, purer and better, has not only left its dark trail of misery, poverty and crime, but its direct effects, as shown by the official report, have supplied *our* State prison with one hundred and five of its present inmates.

Could we but dry up this one great evil that consumes annually so much wealth, and destroys the physical, moral, and mental usefulness of its victims, we would hardly need prisons, poor-houses, or police.

I fully realize that it is easier to talk about the evils flowing from the use of intoxicating liquors as a beverage than it is to provide a remedy for them. If it could be fully accomplished, I am clearly of the opinion that no greater blessing could be conferred by you upon the people of this State than to absolutely and forever prohibit the manufacture, importation, and sale of

intoxicating liquors *as a beverage*. But many people insist that a prohibitory law could not, or at least would not, be enforced, and that any law that cannot be, or is not, enforced, is worse than no law at all.

I have too much faith in the people of Kansas to believe that *any* law intended to, and the effect of which would be to promote the moral, physical and mental condition of mankind, would not be rigidly enforced. Yet, desiring the passage of no law in relation to the enforcement of which there could be any doubt, and with a view to the adoption of such measures only as will be backed up and enforced by the moral sentiment of our people, I respectfully call your attention to the first section of what is commonly known as the dramshop act, which reads as follows:

“Before a dramshop license, tavern license, or grocery license shall be granted to any person applying for the same, such person, if applying for a township license, shall present to the tribunal transacting county business a petition or recommendation signed by a majority of the residents of the township, of twenty-one years of age and over, both male and female, in which such dramshop, tavern, or grocery is to be kept; or if the same is to be kept in any incorporated city or town, then to the city council thereof, a petition signed by a majority of the residents of the ward, of twenty-one years of age and over, both male and female, in which said dramshop, tavern, or grocery is to be kept, recommending such person as a fit person to keep the same, and requesting that a license be granted to him for such purpose: *Provided*, That the corporate authorities of cities of the first and second class may by ordinance dispense with petition mentioned in this section.”

And earnestly recommend that said section be amended by striking out the proviso therein contained, and requiring the party desiring a license under said section to publish his petition, with the names of the signers thereto, in some newspaper printed and of general circulation in the town, city or township in which he desires to obtain such license; or, in case no newspaper is so published, then in some newspaper published in the county and of general circulation therein, at least thirty days before making such application;—and thus place all the cities, towns and townships in the State, irrespective of the particular *class* to which they belong, on an equal footing, and let the people in each locality settle this question for themselves.

#### SENATORIAL ELECTION.

It will devolve upon you during the present session to elect a

United States Senator, and I have only to ask that in the performance of this duty you be governed solely by a desire to promote the integrity, honor, and good name of Kansas.

#### APPROPRIATIONS.

It is important that all appropriation bills should be introduced at the earliest moment possible, in order that you may have ample time to give them the careful consideration that the best interests of the State demand.

#### CONCLUSION.

In conclusion, allow me to impress upon you the fact that the people to-day look to you, as their representatives, for honest, earnest work in their behalf, and that nothing less than a faithful and constant devotion of your time to their interests will meet this demand.

And now, trusting that your deliberations may be pleasant and harmonious, and assuring you of my desire at all times to unite with you in every good work for Kansas, let us not forget the duties we owe not only to the people, whose servants we are, but above all to Him who controls the destinies of men and of States.

JOHN P. ST. JOHN.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, January 14, 1879.

At the conclusion of the reading, on motion of Mr. Smith, of Marshall, the joint convention dissolved.

After the withdrawal of the Senate from the hall, the Speaker *pro tem.* resumed the chair, and on motion of Mr. Smith, of Marshall, the House adjourned until 2 o'clock P. M.

## THIRD DAY.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 16, 1879. }

House called to order; Speaker *pro tem.* Price in the chair.

Roll called. The following gentlemen answered to their names: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Absentees: Messrs. Greiffenstein, James of Shawnee, Hossack, Raybell, Wait of Linn, Wright, and Speaker Clarke.

Quorum present.

Mr. Manning offered the following resolution, and moved its adoption:

*Resolved*, That a committee on rules, consisting of five members, be appointed by the Speaker, to act with a like committee on the part of the Senate, and to report at an early day.



The resolution was adopted.

Mr. Legate called up the following resolution, and moved its adoption:

*Resolved*, That the Speaker be authorized to appoint a Minute Clerk to assist the Journal and the Assistant Chief Clerk in the discharge of their duties.

The question being on the adoption of the resolution, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 120; majority under the rule, 61. Yeas, 72; nays, 48; absent or not voting, 9.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Bevins, Blackman, Breyfogle, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Danhaur, Eggers, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Hartshorne, Hankins, Henderson, Hodge, Hossack, Huffaker, James of Wyandotte, Kollock, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, McClintick, McKay, Miller, Price, Prunty, Randolph, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Walker, White, Willey, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Baker, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Callen, Clark, Cool, Corbin, Cunningham, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Gillespie, Hall, Hamilton of Marshall, Hamilton of Norton, Helmick, Hewins, Humes, Hutchison, Keller, Kelly, Kennedy, Lawson, Martin of Miami, McCrumb, McMillen, Moore, Morgan, Myers, Parsons, Smith of Marshall, Spilman, Towle, Wait of Linn, Waite of Pawnee, Watson, and Wilson of Jackson.

Gentlemen absent or not voting were: Messrs. Bower, Briggs, Brinkman, Brown, Greiffenstein, James of Shawnee, Raybell, Selover, and Speaker Clarke.

The resolution was adopted.

On motion, leave of absence was granted Mr. Ewing, on account of sickness.

Mr. Manning offered the following resolution, and moved its adoption:

*Resolved*, That the message of his Excellency, the Governor, be referred to a select committee of three, whose duty shall be to apportion the subject-matters contained therein to appropriate standing committees.

The resolution was adopted.

#### COMMITTEE TO APPORTION GOVERNOR'S MESSAGE.

The Speaker appointed Messrs. Manning, Smith of Marshall and Sallee as a special committee to apportion the Governor's message.

Mr. Randolph offered the following resolution, and moved its adoption:

*Resolved*, That upon the recommendation of the Docket Clerk, the Speaker is hereby authorized and directed to support an Assistant Docket Clerk, when the Docket Clerk informs the Speaker that he desires an assistant.

The question being upon the adoption of the resolution, Mr. Smith, of Marshall, moved to lay the resolution on the table, which motion did not prevail.

Mr. Humes moved that the further consideration of the resolution be indefinitely postponed; upon which question the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 121; majority under the rule, 81.

Yeas, 66; nays, 55; absent or not voting, 8.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bevins, Blackman, Boggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Danhaur, Eastland, Faulkner, Fisler, Games, Gilmore, Hall, Harts-horne, Hankins, Henderson, Hodge, Hossack, Huffaker, Kennedy, Kollock, Lawson, Manning, Martin of Labette, McClintick, McKay, Miller, Moore, Myers, Parsons, Price, Randolph, Rath, Richards, Riggs, Robb, Scott, Seaton, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, White, Willey, and Woodard.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Berry, Biddle, Bishop, Bissell, Blanchard, Bower, Breyfogle, Briggs, Bruner, Clark, Congdon, Corbin, Cunningham, Donahue, Eckles, Eggers, Ellison, Ewing, Farris, Gable (Frank M.), Gillespie, Godfrey, Hamilton

of Marshall, Hamilton of Norton, Helmick, Hewins, Humes, Hutchison, James of Wyandotte, Keller, Kelly, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Miami, McMillen, Morgan, Prunty, Rood, Sallee, Shaw, Smith of Marshall, Spilman, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Brinkman, Greever, Greiffenstein, James of Shawnee, Raybell, Rice, Selover, and Speaker Clarke.

The necessary two-thirds having failed to vote in the affirmative, the resolution was not postponed.

The question being on the adoption of the resolution, the resolution was not adopted.

Mr. Legate offered House concurrent resolution No. 1, in relation to rates of freight and passenger fares on railroads.

Laid over under the rules.

Mr. Martin, of Kingman, offered the following resolution, and moved its adoption:

*Resolved*, That the Secretary of State be instructed to furnish to each member of this House such copies of the Session Laws as can be furnished for their use, he taking their receipts therefor.

The resolution was adopted.

Mr. Biddle offered the following resolution, and moved its adoption:

*Resolved*, That a committee of three be appointed by the chair to investigate the present condition of the revision, and report fully by Monday next.

The resolution was adopted.

Messrs. Biddle, Tucker and Spilman were appointed as such committee.

Mr. Bull offered House concurrent resolution No. 3, in relation to railroad offices being located within the State, and calling upon the Governor for information relative thereto.

Laid over under the rules.

Mr. Parsons offered the following, and moved its adoption:

*Resolved*, That the Secretary of State be requested to inform the House when the codifying committee will be ready to report.

The resolution was not adopted.

## MINUTE CLERK.

Pursuant to resolution, the Speaker submitted the following:

HOUSE OF REPRESENTATIVES, TOPEKA, KAS., Jan. 16, 1879.

By virtue of the authority vested in me by House resolution of this date, I hereby appoint D. B. Emmert, of Sedgwick county, as Minute Clerk of the House of Representatives.

SIDNEY CLARKE, *Speaker*.

Mr. Emmert subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and will faithfully and impartially discharge the duties of Minute Clerk of the House of Representatives. So help me God.

(Signed) D. B. EMMERT.

Sworn and subscribed to before me, this 16th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

On motion of Mr. Smith, of Marshall, the House adjourned to meet at 10 o'clock A. M., to-morrow.

WIRT W. WALTON, *Chief Clerk*.

## FOURTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 17, 1879. }

House called to order; Speaker *pro tem*. Price in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston,

Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greifenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb,} McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodward, Wright, and Speaker *pro tem*. Price.

Absentees: Messrs. Bevins, Briggs, Clapp, Faulkner, Gable (Frank M.), Hossack, Kennedy, Selover, Walker, and Speaker Clarke.

Quorum present.

Prayer by Rev. Linus Blakesley.

On motion, the reading of yesterday's journal was dispensed with.

Mr. Donahue moved that the House adjourn until Monday, at 3 o'clock P. M.

The motion prevailed, and the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

---

## FIFTH DAY.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 20, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Arm-



strong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Ellsworth, Baker, Breyfogle, Brinkman, Bruner, Farris, Gable (Thos. P.), Hankins, Hutchison, McCrumb, Rath, and Seaton.

Quorum present.

Pending the reading of the previous day's journal, on motion of Mr. James, of Wyandotte, the further reading of the journal was dispensed with.

On motion, leave of absence was granted Messrs. Gillespie and Rath until Tuesday noon.

On motion, leave of absence was granted Mr. Hankins until Wednesday morning.

By consent, Mr. Eckles offered House concurrent resolution No. 4, in reference to printing extra copies of Governor's message.

Laid over under the rules.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Manning, chairman of the committee on revision of rules, submitted the following report, and moved its adoption :

MR. SPEAKER: Your committee on revision of rules respectfully submits the following.

E. C. MANNING, *Chairman.*

## MEETING, QUORUM, ETC.

RULE 1. The hour of meeting each day shall be 1 o'clock P. M., unless a different time be prescribed by resolution.

RULE 2. A majority of all the members elect shall constitute a quorum.

RULE 3. In all cases of the absence of a quorum during the session of the House, the members present may take such measures as they shall deem necessary to secure the presence of a quorum; and they may inflict such censure, or pecuniary penalty, as they may deem just, on those who, being called for that purpose, shall render no sufficient excuse for their absence.

## OF ADMISSIONS TO THE FLOOR.

RULE 4. The following classes of persons, and no others, shall have admission to the floor of the House:

1. All members and officers of the Legislature.
2. State officers.
3. Reporters of the public press.
4. Judges of the Supreme and District Courts.
5. Ladies.
6. Ex-members of the Legislature.
7. Ex-State officers.
8. Such persons as members may invite, the invitation to be given in writing.

## OF THE OFFICERS.

RULE 5. The Speaker shall take the chair, each day, at the hour to which the House shall have adjourned. He shall call the House to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 6. The Speaker shall not be compelled to vote except where his vote will change the result, except where the vote is taken by yeas and nays.

RULE 7. The Speaker shall possess the powers and perform the duties herein prescribed, namely:

1. To preserve order and decorum.
2. To decide all questions of order, subject to appeal to the House. On every appeal, he shall have the right, in his place, to assign his reasons for his decision.
3. To appoint all committees except when the House shall

otherwise direct, and to appoint all necessary Enrolling and Engrossing Clerks. All appointments shall be announced in open session, and made a matter of record.

4. In the absence of the Speaker *pro tem.*, to substitute any member to perform the duties of the chair, for a period not exceeding two consecutive legislative days.

5. To name a chairman to preside when the House shall be ready to go into committee of the whole.

6. To sign all bills passed by the House, and certify the passage of all bills that may be passed over the Governor's veto, with the date of their passage.

RULE 8. In the absence of the Speaker, the Speaker *pro tem.* shall perform all the duties of Speaker.

RULE 9. It is the duty of the Chief Clerk to keep a faithful record of all the proceedings of the House; to call the roll; to report correctly the results of voting, yea-and-nay, and division votes; to read, or cause to be read, the Journal, and all bills, resolutions, petitions or other papers which the House may require; to deliver all messages of the House to the Senate; to deliver all bills to be engrossed to the Engrossing Clerk and all bills to be enrolled to the Enrolling Clerk, and take their receipts for the same. He shall have control of all the clerks of the House, and be held responsible for the faithful performance of their duties.

RULE 10. It is the duty of the Assistant Clerk to aid the Chief Clerk in the performance of his duties, and to perform the same in the absence of the Chief Clerk.

RULE 11. It is the duty of the Journal Clerk to furnish the Chief Clerk, each morning, a correct copy of the Journal of the preceding day.

RULE 12. It is the duty of the Docket Clerk to keep a correct record of the number, title and status of every bill, resolution, memorial, petition, etc., and furnish the State Printer, every evening, with a correct copy of the number and title of all bills, etc., that shall come under the head of general and special orders for the ensuing day.

RULE 13. It is the duty of the Engrossing Clerk to copy, correctly, all bills and other papers ordered to be engrossed; to deliver the engrossed and original copies to the Committee on Engrossed Bills; to keep a record of all engrossed bills, specify-

ing the time of receiving and time of delivering the same to the Committee on Engrossed Bills; and to furnish to the Docket Clerk a list of all bills engrossed, specifying the time when engrossed.

RULE 14. It is the duty of the Enrolling Clerk to copy, correctly, all bills and other papers ordered to be enrolled; to deliver the enrolled and original copies to the Committee on Enrolled Bills, and to keep a record similar to that provided for in Rule 13.

RULE 15. No bill pending shall be allowed to go out of the hands of the clerk in whose keeping the same may be, except when delivered to the proper committee, and then only upon a written receipt therefor.

RULE 16. It shall be the duty of the Sergeant-at-Arms to deliver to the printer all bills, etc., ordered to be printed; to return and distribute the printed copies; to procure all stationery, etc., and execute all orders of the House not otherwise provided for. He shall have the general supervision of the hall of the House of Representatives, and the subordinate officers of the House, committee and clerk rooms, and shall preserve order within the hall, lobby and galleries, and may arrest and take into custody any persons for disorderly conduct.

RULE 17. It shall be the duty of the Doorkeeper and assistants to see that no person is admitted within the bar, except those admitted by rule or special order. They shall brush and arrange the desks and hall, procure water, and keep the hall properly warmed and ventilated, and execute all orders directed to them by the House or Sergeant-at-Arms.

#### OF THE COMMITTEES.

RULE 18. All standing committees shall consist of seven members each, except the Judiciary, Ways and Means, County Lines and County Seats, and Apportionment committees, which shall consist of nine members each; and the Committee on Railroads shall consist of seventeen members. Standing committees shall be appointed by the Speaker, on the following subjects:

1. Judiciary.
2. Ways and Means.
3. Criminal Jurisprudence.
4. Municipal Indebtedness.

5. Assessment and Taxation.
6. Retrenchment and Reform.
7. State Affairs.
8. Railroads.
9. Banks and Banking.
10. Federal Relations.
11. Finance.
12. Private Corporations.
13. Municipal Corporations.
14. Internal Improvements.
15. Charitable Institutions.
16. Educational Institutions.
17. Public Lands.
18. Public Buildings and Grounds.
19. Elections.
20. Militia.
21. Education.
22. Roads and Highways.
23. Printing.
24. Fees and Salaries.
25. County Lines and County Seats.
26. Agriculture.
27. Manufactures.
28. Penitentiary.
29. Claims.
30. Accounts.
31. Engrossed Bills.
32. Enrolled Bills.
33. State Library.
34. Immigration.
35. Insurance.
36. Apportionment.
37. Mines and Mining.
38. Inter-State Commerce.
39. Revision of the Laws.
40. Mileage.
41. Temperance.

RULE 19. No member shall be appointed upon the committee of any of the institutions, who resides in the Representative district where the institution is located.



RULE 20. It shall be the duty of each committee to report to the House upon all matters referred to it, within five days after such reference, unless further time be given by the House.

OF THE JOURNAL, AND ORDER OF BUSINESS.

RULE 21. The first business of each day's session shall be the calling of the roll; after which the Journal shall be read and corrected.

RULE 22. The order of business, except on days and at times set apart for the consideration of special orders, shall be as follows, to wit:

1. The presentation of petitions.
2. Introduction of bills.
3. Second reading and reference of bills.
4. Reports of standing committees.
5. Reports of select committees.
6. Messages from the Governor.
7. Communications from the State officers.
8. Messages from the Senate.
9. Original motions and resolutions.
10. The unfinished business before the House at the time of adjournment on the previous day.
11. Consideration of motions and resolutions offered on a previous day.
12. Third reading of bills reported by the committee of the whole.
13. General orders of the day, consisting of bills ready to be considered in committee of the whole.

RULE 23. Concurrent resolutions from either house, and Senate's amendments to House bills, shall be in order at any time when no question is pending.

OF GENERAL AND SPECIAL ORDERS.

RULE 24. Bills that have been reported by a standing or select committee shall constitute the general orders, and their titles shall be recorded in a calendar, prepared by the Docket Clerk, in the order in which they are reported from the committees.

RULE 25. When general orders are reached in the regular order of business, the House shall go into committee of the whole upon the calendar, and consider the bills in their order; but no

bill upon the calendar shall be substituted for the one under consideration.

RULE 26. Any matter may be made the special order for any particular time or day, by the consent of two-thirds of the members voting.

RULE 27. Each member shall be furnished with a copy of the daily calendar, prepared by the Docket Clerk, which shall include the bills on third reading, and the general orders.

ORDER OF PROCEEDINGS, DECORUM, ETC.

RULE 28. Petitions, memorials, and any other paper addressed to the House, shall be presented by a member in his place, or by the Speaker.

RULE 29. Each member presenting a petition, memorial, bill, or report of a committee, shall indorse the same with his name or the name of the committee, and a brief statement of its subject.

RULE 30. Each member, within the House, when a question is stated by the chair, shall vote thereon, in his place, unless he be excused by the House. No member shall vote on a question in which he may have a personal or pecuniary interest. Any member may, on the call of his name on the adoption of any resolution which has not been considered in committee of the whole, when the yeas and nays are being taken, explain his vote; but he shall not be allowed for such explanation more than five minutes.

RULE 31. Any member claiming the floor shall rise in his place and address the Speaker, and shall not proceed until recognized by him.

RULE 32. While a member is speaking, no other member shall engage in private discourse, or pass between him and the chair.

RULE 33. While the Speaker is putting a question, or a vote or count is being had, no member shall speak or leave his place.

RULE 34. If any member, in speaking, transgress the rules of the House, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately take his seat, and retain it, unless he rises to explain, or proceed in order.

RULE 35. In all cases where a bill, order, motion or resolution shall be entered on the Journal, the name of the member introducing or moving the same shall be entered.

## ORDER OF DEBATE.

RULE 36. No member shall speak more than once to the same question without leave of the House, unless it be the mover, proposer or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken. Members may address the House from the Clerk's desk, or from a place near the Speaker's chair. The right of the member introducing or reporting the measure, to open and close the debate, shall not be affected by an order either for the previous question or that debate shall cease, but such member may occupy twenty minutes in closing the debate after the previous question is ordered or the order for debate to close has passed, and may at his option divide that time with other members; and while a member is occupying the floor, he may yield it to another for explanation of the pending measure, as well as for personal explanation, or for a motion to adjourn, or that the committee rise, without losing his right to reoccupy it for the remainder of his time, whenever the pending question shall be resumed.

RULE 37. When a question shall be under consideration, no motion shall be received except as herein specified, which motion shall have precedence in the order stated, viz.:

1. For adjournment of the House.
2. For call of the House.
3. To lay on the table.
4. For the previous question.
5. To postpone to a certain day.
6. To commit to the Committee of the Whole.
7. To commit to a standing committee.
8. To commit to a select committee.
9. To amend.
10. To indefinitely postpone.

RULE 38. The motion to reconsider shall take precedence of all other questions, except the motion to adjourn.

RULE 39. No subject different from that under consideration shall be admitted under color of amendment.

RULE 40. All questions relating to priority of business shall be decided without debate.

RULE 41. The motion to adjourn shall always be in order, except while the yeas and nays are being taken, and until an-

nounced, or when a member has the floor, or while the previous question is pending; but a motion to *adjourn to a time certain* is not equivalent to a motion to "adjourn."

RULE 42. The yeas and nays may be taken on any question, whenever so required by any five members (unless a division of yeas and nays be already pending), and when so taken shall be entered on the Journal.

RULE 43. A call of the House shall be ordered on the demand of any five members, on the taking of a vote on any bill or resolution.

RULE 44. The motion to adjourn, for a call of the House, and to lay on the table, shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate on the main question.

RULE 45. Every motion shall first be stated by the Speaker, or read by the Clerk, before debate, and again immediately before putting the question; and every motion, except those specified in the 38th rule, shall be reduced to writing, if the Speaker or any member desire it: *Provided*, That the motion to amend shall be reduced to writing, if required by the Speaker.

RULE 46. If any question contain distinct propositions, it shall be divided by the chair, at the request of any member.

RULE 47. When different sums and times are moved in filling blanks, the question shall first be put on the largest sum and the longest time.

RULE 48. No motion for reconsideration of any vote shall be in order, unless on the same day, or the following legislative day to that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject or vote be a second time reconsidered without unanimous consent.

#### OF THE PREVIOUS QUESTION.

RULE 49. The "previous question" shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendment or debate. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the pas-

sage of the bill, resolution or other matter under consideration ; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted by the committee of the whole and not acted on in the House, the question shall be taken upon such amendments in like order, and without further debate or amendment.

OF BILLS—REFERENCE, PRINTING, ETC.

RULE 50. Each bill, when introduced, shall be sent to the Clerk, who shall read its title. This the Speaker shall announce as the first reading of the bill.

RULE 51. Upon the next day it shall be read (by its title, unless five members shall demand its reading in full), and be referred to the appropriate standing, or to a select committee.

RULE 52. No bill shall be introduced, except as provided in Rule 22, unless by unanimous consent.

RULE 53. All bills for the appropriation of money shall, on their second reading, be referred to the Committee on Ways and Means, unless otherwise ordered by a majority of the House.

RULE 54. Bills reported by committees shall go upon the calendar, as part of the general orders, unless otherwise ordered. Bills reported upon favorably shall be printed, with report of the committee thereon; but if the committee report an entire bill as a substitute, or propose to strike out all after the enacting clause, and insert a new bill, the new bill or substitute so reported (with the report thereon), shall be printed, and the original bill shall not be printed, unless the House so order. Bills reported unfavorably shall not be printed, unless ordered printed by the House.

COMMITTEE OF THE WHOLE.

RULE 55. Bills and other matters shall be considered in committee of the whole in the following manner, viz.: They shall first be read through, unless the committee shall otherwise order; and unless the committee shall recommend that the enacting clause be stricken out, they shall be read and considered by sections, leaving the title to be last considered.

RULE 56. A motion to rise and report shall be in order at any stage, and shall be decided without debate.

RULE 57. If at any time, when in the committee of the whole House, it be ascertained that there is no quorum present, the



chairman shall immediately vacate the chair, and report the fact to the Speaker.

RULE 58. The same rules, except 36, shall be observed in the committee of the whole as in the House, so far as the same are applicable, except that the previous question shall not apply, nor shall the yeas and nays be taken.

PROCEEDINGS SUBSEQUENT TO THE COMMITTEE OF THE WHOLE.

RULE 59. Bills reported by the committee of the whole shall still be subject to debate before the question to engross or its final passage is put. Such amendments only shall be in order as were offered in the committee of the whole; and where a bill shall be reported with the recommendation that the enacting clause be stricken out, and the report shall be agreed to by the House, it shall be considered as rejected.

RULE 60. After being reported by the committee of the whole, if the bill is not rejected, it may be ordered to be engrossed for a third reading.

RULE 61. All bills shall be engrossed in the order in which they have been directed to be engrossed by the House. But when a bill is written in a plain and distinct handwriting, or is printed, without interlineations or erasures, such bill may be reported by the Committee on Engrossed Bills as correctly engrossed, without causing the same to be rewritten or engrossed.

RULE 62. On the next or some subsequent day it shall be read a third time, by sections, and put upon its final passage, without amendment.

RULE 63. The question upon the final passage of all bills shall be taken by yeas and nays; and the vote to concur in Senate amendments to a House bill shall be regarded as the final passage of such bill.

OF RESOLUTIONS, ETC.

RULE 64. The following class of resolutions shall lie over for one day for consideration, after which they may be called up under their appropriate order of business:

1. All concurrent resolutions.
2. Resolutions containing calls for information on the Executive Departments.
3. Resolutions giving rise to debate, except such as relate to

the business of the day on which they are offered, and such as relate to adjournment.

RULE 65. All resolutions for the printing of an extra number of any document, paper or bill, shall be referred to the Committee on Printing, to consider and report thereon.

#### OF THE RULES.

RULE 66. No rule or order of the House shall be suspended, rescinded or changed, except by a vote of two-thirds of all the members voting. Any proposed amendment of or addition to these rules shall lie over one day before consideration.

RULE 67. In any case where these rules do not apply, the rules of parliamentary law laid down in Cushing's Manual shall govern.

#### OF EMPLOYMENT OF CLERKS.

RULE 68. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House. All clerks to committees shall be appointed by the Speaker, on the recommendation of the chairman of such committee.

#### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

RULE 1. Each house shall, as soon as organized, report that fact to the other house; and the two houses shall, by joint committee, inform the Governor that they are ready to receive any communication he may have to make.

RULE 2. Messages from one house to the other shall be carried by their clerks respectively, unless the house transmitting the message shall specially direct otherwise.

RULE 3. In joint convention of the two houses, the President of the Senate shall preside.

RULE 4. Each house shall transmit to the other all papers on which any bill or resolution may be founded.

RULE 5. It shall be in the power of either house to amend any amendment made by the other, to any bill or resolution.

RULE 6. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the house in which the same was passed.

RULE 7. In case of difference between the two houses, upon any subject of legislation, either house may request a conference

and appoint a committee for that purpose, and the other house shall appoint a similar committee. The committee shall meet at the time and place appointed by the chairman of the committee on the part of the house requesting such conference. The committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both houses. The report of the committee shall be in writing, and shall be sent to the house assenting to the conference. When such house shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

RULE 8. It shall be in order for either house to recede from any subject-matter of difference subsisting between the two houses at any time previous to conference, whether the papers on which such difference arose are before the house receding, formally or informally.

RULE 9. If the two houses adhere to their disagreement, or if as many as two committees of conference have been appointed, and cannot agree, the bill which is the subject of difference shall be deemed lost, and shall not be revived in either house during the session.

RULE 10. All joint committees and all committees of conference shall consist of three members of the Senate and five members of the House, unless otherwise specially ordered by concurrent resolution.

RULE 11. When a joint bill or concurrent resolution shall have passed one house, it shall be transmitted to the other, without entering an order on the Journal.

RULE 12. After a bill or joint resolution shall have passed both houses, it shall be neatly enrolled by the Enrolling Clerk of the house in which it originated.

RULE 13. After a bill is duly enrolled, it shall be examined by the Joint Committee on Enrolled Bills, who shall carefully compare the enrolled bill with the engrossed bill, as passed in the two houses, and correct any errors that may be discovered in the enrolled bill, and report forthwith in writing, which report shall be entered on the Journal of the house where the bill originated, and they shall return the engrossed bill to the Enrolling Clerk of the house where such bill originated. After such examination and report, the committee shall present the bill to the Speaker of

the House, for his signature, and to the Chief Clerk, who shall certify on the roll in which house the bill originated, together with the date of the introduction of such bill, and the date of the passage thereof; after which the committee shall present the bill to the President of the Senate for his signature, and to the Secretary for his certificate. Immediately after a bill is properly signed, the committee shall present it to the Governor for approval, and report, in writing, to the House of Representatives and Senate, the day of the week, and the date of the month, on which such bill was presented, which report shall be entered on the Journal of the House.

RULE 14. All joint orders, memorials and resolutions, which are to be presented to the Governor for his approval, shall be treated in the same manner as bills.

RULE 15. The committee of each house on Legislative Expenditures, the State Library, Enrolled Bills, and Printing, shall act jointly, and be considered joint committees of the two houses.

RULE 16. The general appropriation bills shall be introduced into the House at least ten days before the day fixed for final adjournment, and passed and sent to the Senate at least five days before the close of the session; and such appropriation bills shall be classified as follows:

One bill appropriating salaries and expenses of the Executive, State and Judiciary Departments.

One bill making appropriations for the Legislative Department.

One bill making appropriations for the Asylum for the Blind.

One bill making appropriations for the Asylum for the Deaf and Dumb.

One bill making appropriations for the Asylum for the Insane.

One bill making appropriations for the State Penitentiary.

One bill making appropriations for the State University.

One bill making appropriations for the State Normal School.

One bill making appropriations for the State Agricultural College.

One bill making appropriations for the State Capitol Building.

One bill making appropriations to sheriffs for conveying prisoners to the Penitentiary.

One bill making appropriations to pay the expenses of special committees visiting the several State and benevolent institutions.

One bill making appropriations to pay the expenses of the several committees on investigations.

One bill making appropriations to the Public Printer for printing and binding.

One bill appropriating money for miscellaneous expenses.

Other appropriation bills may be introduced when deemed necessary or expedient; but it shall not be competent for any member or committee to introduce any bill which shall include appropriations for any two or more objects or purposes hereinbefore designated as subjects of different bills.

RULE 17. The Committee on Ways and Means of the Senate, and the like committee of the House of Representatives, shall, for the purpose of making up the general appropriation bill, constitute a joint committee, and no item shall be inserted by the committee except in joint session.

RULE 18. Bills and joint and concurrent resolutions shall be printed as required by rule or order of either house, and when printed, two hundred shall be printed for the use of both houses. No extra number of any bill, resolution or document shall be printed, except it be ordered by a concurrent resolution.

RULE 19. Orders to print, unexecuted, expire at the close of the session, and no document shall be printed or delivered after the final adjournment, unless under some law or resolution of the two houses.

RULE 20. Whenever there shall be an election of officers by the joint action of the two houses, the result shall be certified by the President of the Senate and Speaker of the House, and shall be reported by each to their respective houses; which report shall be entered on the journal of each, and shall be communicated to the Governor by the Clerks of the two houses, jointly.

RULE 21. When amendments are made in one house to a bill or joint resolution originating in the other, or where amendments are made in one house to amendments made in the other, it shall require a vote of a majority of all the members elected to either house, on the call of the yeas and nays, to adopt said amendment on its final passage.

RULE 22. In joint convention of the two houses, the previous question shall be in the usual form, and when sustained by a majority of the members present, it shall cut off all debate or amendment, and bring the convention to a direct vote; but the



vote shall be taken on all pending amendments, in their order, until the main question is reached.

RULE 23. When a bill proposes to amend any section, chapter or act, the title shall read as follows: "An act relating to ——— and amendatory of section ——— of chapter ——— of the ———," filling the blanks with the proper subject, section and chapter of the General Statutes of 1868, or Session Laws, designating the same.

RULE 24. When a bill proposes to repeal any section, chapter or act, and has no other object, the title shall be as follows: "An act to repeal section ———, chapter ——— of the ———, relating to ———," filling the blanks with the proper subject, section or chapter of the General Statutes or Session Laws, designating the same.

RULE 25. The Chief Clerk of the House and Secretary of the Senate shall indorse on every bill and joint concurrent resolution, respectively, a brief history of such bill or resolution introduced or coming into their respective houses, showing when and by whom the bill or resolution was introduced, or when received; its several readings and reference; when reported, and the recommendation; the fact of amendment (if amended); its engrossment, final reading and disposition thereof, stating the number of yeas and the number of nays thereon. The Chief Clerk and Secretary shall respectively sign such history of the bill or resolution in his house before he transmits the same to the other house.

RULE 26. These rules may be changed or suspended, by concurrent resolution, on a vote of two-thirds of the members present in each house.

Pending the reading of the report and rules, Mr. Legate moved that the further consideration of the report be postponed, and that the report and rules be printed.

Mr. Manning moved, as an amendment, that that part of the report relating to the standing committees of the House be adopted.

The question being on the amendment, the motion prevailed.

The question being on the motion to postpone and print, by consent the motion was withdrawn.

Mr. Ballard moved that the rules be considered by sections, which motion prevailed.

Rule 1 being under consideration, Mr. James, of Wyandotte, moved that the report of the committee, providing for but one session each legislative day, be not agreed to.

The motion did not prevail.

Mr. Alexander moved as a substitute, that "the hour of meeting each day shall be 12 o'clock, noon, and that there shall be but one session held each day, unless a different hour be prescribed by resolution."

The motion did not prevail.

Rule 4 being under consideration, Mr. Donahue moved to amend by inserting the words, "such persons as the members may invite, the invitation to be in writing."

By consent, the motion was withdrawn.

Mr. Smith, of Marshall, offered the following as a substitute for the committee's report :

#### OF ADMISSIONS TO THE FLOOR.

RULE 4. The following classes of persons, and no others, shall have admission to the floor of the House:

1. All members and officers of the Legislature.
2. State officers.
3. Reporters of the public press.
4. Judges of the Supreme and District Courts.
5. Ladies.
6. Ex-members of the Legislature.
7. Ex-State officers.
8. Such persons as members may invite, the invitation to be given in writing.

The question being on the adoption of the substitute, the motion prevailed.

Rule 18 being under consideration, Mr. Bull moved to strike out the word "seventeen," and insert "ten," so as to read: "The Committee on Railroads shall consist of ten members."

Mr. Biddle moved, as an amendment to the amendment, that "nine" be inserted instead of "seventeen."

The question being on the amendment to the amendment, the yeas and nays were demanded and had, with the following result: Yeas, 51; nays, 67.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber,

Biddle, Bishop, Boggs, Bower, Bull, Butts, Callen, Clogston, Cool, Cunningham, Danhaur, Eastland, Eggers, Faulkner, Gable (Frank M.), Games, Godfrey, Greever, Helmick, Hodge, Huf-faker, James of Shawnee, Kelly, Kollock, Legate, Loy, Martin of Miami, McKay, Miller, Prunty, Randolph, Rice, Robb, Scott, Seaton, Spilman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, and Wright.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Baker, Ballard, Beaty, Bevins, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Calvin, Clapp, Clark, Congdon, Corbin, Donahue, Eckles, Ellison, Ewing, Fisler, Gable (Thos. P.), Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hossack, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Majors, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McMillen, Moore, Morgan, Myers, Parsons, Price, Richards, Riggs, Rood, Sallee, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, White, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Barrackman, Berry, Farris, Gillespie, Hankins, Humes, Hutchison, Manning, Rath, Raybell, and Selover.

The amendment to the amendment did not prevail.

The question being on the amendment, the amendment did not prevail.

Mr. Calvin moved that a committee on temperance be added to the list of standing committees of the House.

The motion prevailed.

Mr. Smith, of Marshall, moved that the following (being Rule 19 of the rules of 1877) be adopted as Rule No. 19:

“RULE 19.—No member shall be appointed upon the committee of any of the institutions who resides in the Representative district where the institution is located.”

The motion prevailed.

Whereupon Mr. Legate, of the committee on revision of rules, moved that the rules of the House of 1877 be adopted as a substitute for the amended rules reported by his committee.

Mr. Biddle raised the point of order, that the rules of 1877

were already the rules of the House, having been adopted at the opening of the session.

The chair decided the point not well taken.

Mr. Biddle moved, as an amendment to the motion of Mr. Legate, that the report of the committee be adopted, and that the rules be printed, which motion prevailed.

By consent, Mr. Smith, of Marshall, offered House concurrent resolution No. 5, relating to a joint session of the Legislature for the purpose of electing a State Printer.

Laid over under the rules.

Mr. Legate moved that the rules be suspended, and that House concurrent resolution No. 5, relating to a joint session of the Legislature for the purpose of electing a State Printer, be taken up and considered now.

The motion prevailed, and the resolution was read, and on motion was adopted.

Mr. Biddle offered the following resolution, and moved its adoption:

*Resolved*, That either of the political parties of the Legislature may have, at any time, the use of this hall for caucus purposes, when not in use by the House.

The motion prevailed, and the resolution was adopted.

By consent, Mr. Armstrong offered House concurrent resolution No. 6, providing postage stamps for the Representatives and Senators.

Laid over under the rules.

By consent, Mr. Greever offered House concurrent resolution No. 7, in relation to the annexation of Kansas City, Mo., to Kansas.

Laid over under the rules.

By consent, Mr. Martin, of Kingman, offered House joint resolution No. 2, removing the disabilities of Hon. W. P. Ewing, a member of the House.

Read the first time.

By consent, Mr. Biddle offered the following resolution:

*Resolved*, That C. J. Burke, a crippled soldier, from Marshall county, Kansas, be allowed the privilege of selling apples, candies and cigars, in the hall entrances to this House.

The question being on the adoption of the resolution, the resolution was adopted.

## INTRODUCTION OF BILLS.

By consent, Mr. Callen introduced House bill No. 1, An act changing and defining the boundaries of the counties of Davis and Dickinson.

Read a first time.

By consent, Mr. Smith, of Marshall, introduced House bill No. 2, An act conferring the right of majority on Robert J. Weisback, a minor.

Read a first time.

## MESSAGE FROM THE SENATE.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted Senate concurrent resolution No. 4, memorializing Congress for Federal courts in the Indian Territory, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

By consent, Mr. White offered the following resolution, which was laid over under the rules:

*Whereas*, The people of Kansas waste several millions of dollars yearly, in dimes and nickels, over the counters of 1,657 licensed saloons; and

*Whereas*, The result of all this needless expenditure impoverishes our State, blunts our sensibilities, effaces our memory, dethrones our reason, and destroys the lives of hundreds of our people yearly: therefore, be it

*Resolved*, That in consonance with the message of the Governor, this body pave the way toward speedy legislation relative to the suppression of the traffic in intoxicating liquors within this State. And further, be it

*Resolved*, That George Calderwood, of Ohio, the noted temperance lecturer and originator of the "Calderwood pledge," and who now is in this State, be invited to address the Legislature of Kansas upon the subject of temperance, at such time as he may designate.

On motion of Mr. Kelly, the House adjourned.

WIRT W. WALTON, *Chief Clerk*.



## SIXTH DAY.

## AFTERNOON SESSION.

HALL OF HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 21, 1879. }

House called to order ; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Bishop, Blanchard, Farris, Faulkner, Hamilton of Marshall, and Hutchison.

Quorum present.

Pending the reading of the journal, Mr. James, of Wyandotte, moved that the further reading of the journal be dispensed with, which motion did not prevail.

The journal was read, and approved.

Mr. James, of Wyandotte, moved that the rules be suspended, and that he be allowed to introduce a bill.

The question being on the suspension of the rules, the motion did not prevail.

#### PRESENTATION OF PETITIONS.

Mr. Humes presented petition No. 1, of R. E. White and 115 others, praying for relief from payment of taxes on certain Agricultural College lands.

Mr. Morgan presented petition No. 2, from citizens of Chase county, asking for the vacation of a certain State road.

Mr. Morgan presented petition No. 3, from citizens of Chase county, asking for the vacation of a portion of a certain State road.

Mr. Biddle presented petition No. 4, of certain citizens, in reference to the Price raid claims.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read a first time:

By Mr. Taylor: House bill No. 3, An act to amend an act entitled "An act defining the boundaries of counties."

By Mr. Taylor: House bill No. 4, An act fixing the time for holding the terms of the District Court in Clay county.

By Mr. Taylor: House bill No. 5, An act conferring the rights of majority upon William Twist.

By Mr. Robb: House bill No. 6, An act providing for the redemption of real estate sold for taxes to any city or county, and remaining unredeemed and the certificate untransferred.

By Mr. Bower: House bill No. 7, An act conferring rights of majority on Clarence M. Thompson, of Osage county.

By Mr. Bower: House bill No. 8, An act to prevent from running at large in the night time certain domestic animals in several counties of the State.

By Mr. Hall: House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Rooks county, Kansas."

By Mr. Humes: House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts known as the State Agricultural College lands.

By Mr. Bevins: House bill No. 11, An act to change the name of Henry Freundlich to Henry Friendlich.

By Mr. Donahue: House bill No. 12, An act to change the name of Daisy Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edwin D. Lawrence her guardian.

By Mr. Hodge: House bill No. 13, An act to regulate the practice of medicine in the State of Kansas.

By Mr. Wait, of Lincoln: House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877.

By Mr. Bull: House bill No. 15, An act regulating the salaries of County Clerk and County Treasurer of Osborne county.

House bill No. 16, An act to empower county commissioners to levy a special tax to pay outstanding county warrants.

House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877.

House bill No. 18, An act to amend an act entitled "An act to amend section 3 of an act amendatory of an act entitled 'An act relating to counties and county officers, approved February 28, 1871,' relating to the division of counties into commissioners' districts," approved March 4, 1873.

By Mr. Stewart: House bill No. 19, An act to amend section 1, chapter 77, Laws 1877.

By Mr. Clapp: House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875; all relating to the sale of the lands of the State University.

By Mr. Legate: House bill No. 21, An act making appropriation for the purpose of paying the fees of registers and receivers of U. S. land offices, for the final location of lands granted to the State of Kansas by the United States as indemnity school lands.

By Mr. Alexander: House bill No. 22, An act to enable Homer L. Steis to exercise the rights of majority.

By Mr. Brinkman: House bill No. 23, An act defining the boundaries of Barton and Pratt counties.

By Mr. Hewins: House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years of 1880 and 1881.

House bill No. 25, An act to regulate the practice of medicine and surgery in the State of Kansas.

By Mr. Biddle: House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisement.

House bill No. 27, An act to amend section 127, of chapter 34, Laws of 1872, relating to the assessment and collection of taxes.

By Mr. Parsons: House bill No. 28, An act to amend section 1, chapter 81, of the General Statutes of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases."

By Mr. Morgan: House bill No. 29, An act to repeal section 2, of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,' approved February 27, 1872."

By Mr. Parsons: House bill No. 30, An act to amend section 79, of chapter 81, of the General Statutes of Kansas, relating to civil procedure before justices of the peace.

By Mr. James, of Shawnee: House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum, after sale.

By Mr. Bissell: House bill No. 32, An act to amend section 4 of chapter 96, of the Laws of 1875, being "An act regulating the salaries of county clerks."

House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salaries of county treasurers."

By Mr. Wright: House bill No. 34, An act to change the name of Phillip Wenzell to that of Phillip Wendell.

By Mr. Rice: House bill No. 35, An act making an appropriation for the extension and completion of the insane asylum at Osawatomie.

By Mr. Spillman: House bill No. 36, An act conferring the rights of majority on James Renick Fowler.

House bill No. 37, An act to legalize the acts of George S. Green, as notary public.

By Mr. Legate: House bill No. 38, An act to authorize the

board of county commissioners of the several counties, and the mayor and city council of any city, and the board of education of any city, and the trustees of any township, or the board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness.

By Mr. Humes: House bill No. 39, An act conferring the rights of majority on James P. Cramer.

By Mr. Cunningham: House bill No. 40, An act to change the name of A. C. Stretch to A. C. Sims.

House bill No. 41, An act to vacate certain streets and alleys in Baldwin City.

By Mr. Hall: House bill No. 42, An act to amend section 127 of chapter 34 of the general laws of Kansas of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876.

House bill No. 43, An act to amend section 56 of the general laws of Kansas of 1868, entitled "An act concerning private corporations," approved February 29, 1868.

By Mr. Scott: House bill No. 44, An act to amend section 1 of chapter 78 of the laws approved March 5, 1875, and to repeal section 5 of chapter 8 of the laws passed at the special session of 1874.

By Mr. James, of Wyandotte: House bill No. 45, An act making appropriations for legislative expenses.

By Mr. Bevins: House bill No. 46, An act to define the western boundaries of Leavenworth city, Kansas.

By Mr. Price: House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city.

By Mr. Price: House bill No. 48, An act authorizing the Board of County Commissioners of Atchison county to improve roads in said county.

By Mr. Albin: House bill No. 49, An act relating to mills and millers, and amendatory of chapter 65, General Statutes of 1868.

Mr. Legate moved that the rules be suspended; and that House bill No. 38, An act to authorize the board of county commissioners of the several counties, and the mayor and city council of any city, and board of education of any city, and the trustees



of any township, or the board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness, be read a second time now, which motion prevailed.

Whereupon Mr. Legate moved that the bill be printed, which motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted the following Senate concurrent resolutions, and respectfully desires your concurrence therein:

Senate concurrent resolution No. 3, providing for a joint committee on revision of laws.

Senate concurrent resolution No. 7, adopting the joint rules of 1877 as the joint rules of the Legislature for 1879.

Senate concurrent resolution No. 8, relating to joint committee to investigate and report on the subject of Price raid claims.

Senate concurrent resolution No. 10, requiring commissioners to revise laws to report to the Governor at once their action on said revision.

Senate concurrent resolution No. 11, providing for a joint convention of the Legislature to elect a State Printer, January 21, 1879, at 3 o'clock P. M.

HENRY BRANDLEY, *Secretary.*

#### REPORTS OF SPECIAL COMMITTEES.

Mr. Biddle, chairman of the committee appointed to inquire into the present condition of the revised laws, submitted the following report and accompanying papers:

MR. SPEAKER: Your committee, appointed to inquire into the present condition of the revision of the laws provided for by chapter —, Laws of 1877, beg leave to make the following report:

We called before us Hon. E. Stillings, Hon. B. F. Simpson, and Hon. W. C. Webb, the Revising Commission appointed under said act, and Hon. C. S. Brown, their clerk, and we also examined into the records of the work of said commission on file in the office of the Secretary of State; and from such examination, and from statements made to us by said commission, we find the

following facts: That there are now in the office of the Secretary of State printed chapters of said revisions as follows:

Public Offenses.

Boundaries of Counties.

Organization of New Counties.

State Department.

State Land Office.

State Library.

Public Printing.

Taxation.

Counties, Corporations, and County Officers.

Relief and Support of the Poor.

County Jails.

That five hundred copies of each have been printed, and are now in possession of the Secretary of State.

For the condition of the revision in addition to the above, we attach a communication of Hon. W. C. Webb, one of the Commissioners on Revision, to this report, marked "A," and make it a part hereof; which exhibit shows the present condition of the balance of the statutes revised, the parts not completed, and the probable time required to complete the same.

This committee is of the opinion that the Revisers can and will complete their revision so that it may be acted on by the Legislature. And to properly present the same to the two houses without confusion in its consideration, and to systematize the work thereon, we recommend the adoption of the concurrent resolution herewith submitted, (being House concurrent resolution No. 8.)

Respectfully submitted.

W. R. BIDDLE, Chairman,  
R. B. SPILMAN,  
S. M. TUCKER,  
*Special Committee.*

A.

HON. W. R. BIDDLE, *Chairman Special Committee, etc.:*

In answer to your request for information as to the state of the revision of the laws, authorized by the Legislature at its last session, I would inform you that, in addition to the chapters completed and printed, and now on deposit in the office of Secretary of State, a careful examination of all general laws of the

State has been made, and chapters upon the following subjects have been fully revised, and need only slight clerical work to complete them for the hands of the printer, namely: Chapters relating to official bonds; respecting promissory notes, bills, and bonds; incorporated cities; relating to contracts and promises; relating to conveyances; concerning private corporations; relating to railroads and railway corporations; relating to insurance and insurance corporations; concerning the location and location and removal of county seats; relating to courts—supreme, district and probate; concerning descents and distributions; to regulate the sale of intoxicating liquors; to regulate elections; relating to fees and salaries; concerning the recovery and taxation of costs in judicial proceedings; in relation to fences; respecting the Legislature; respecting notaries public; relating to offices and officers; to regulate practice, pleadings and proceedings in civil actions in courts of record; to regulate practice, pleadings and proceedings in civil actions in courts held by justices of the peace; in relation to roads and highways; for the regulation and support of common schools; and a chapter in relation to stock.

The chapter relating to practice, pleadings and proceedings in civil actions in courts of record, is partly printed. The revisers are of the opinion that very little change, if any, is needed in chapters not already printed and not mentioned above. The revisers are also of the opinion that the chapters above mentioned will be ready for the Legislature at such time as the Legislature or its committees will be prepared to enter upon the subject of general legislation.

Most respectfully, &c.,

W. C. WEBB.

TOPEKA, January 20, 1879.

At the conclusion of the reading of the report, Mr. Biddle moved that the report be printed, which motion prevailed.

The committee also submitted House concurrent resolution No. 8, raising a committee of eight members—five from the House and three from the Senate—to whom shall be referred when received, the revised laws prepared by the Revision Commissioners.

Laid over under the rules.

Mr. Ballard moved a suspension of the rules, and that the

House proceed to the consideration of Senate concurrent resolution No. 11, providing for the election of a State Printer at 3 o'clock to-day.

The question being on the motion to suspend the rules, the motion prevailed.

The question then being on the motion to concur in the resolution, Mr. Manning moved as an amendment, that the hour be fixed at 2:30 o'clock.

The amendment did not prevail.

The question being on the motion to concur, the motion prevailed, and the resolution was concurred in.

The resolution is as follows:

SENATE CONCURRENT RESOLUTION No. 11.

*Resolved by the Senate, the House of Representatives concurring,* that a joint convention of the Legislature of the State of Kansas be held in the House of Representatives, on Tuesday, January 21st, 1879, at 3 o'clock, P. M., for the purpose of electing a State Printer.

THE GOVERNOR'S MESSAGE.

Mr. Manning, chairman of the special committee appointed to apportion to appropriate committees the subject-matter of the Governor's message, submitted the following report:

MR. SPEAKER: The subdivision of the message relating to "Indian Raid" is referred to the Committee on State Affairs.

"State Finance and Reports of State Officers" is referred to the Committee on Ways and Means.

"Penitentiary" is referred to the Committee on Penitentiary.

"Prison Labor" is referred to the Committee on Manufactures.

"Asylums for the Blind and Insane" and "Education of the Deaf and Dumb" are referred to the Committee on Charitable Institutions.

"Public Schools" is referred to the Committee on Education.

"State Normal School," "State University," and "Agricultural College," are referred to the Committee on Educational Institutions.

"State Board of Agriculture" to the Committee on Agriculture.

"Insurance Department" to Committee on Insurance.

"Fisheries" to Committee on State Affairs.

"Public Lands" to Committee on Public Lands.

"School Lands" to Committee on Ways and Means.

"Price Raid Claims" to a joint committee of both houses.

"Railroad Fare and Freights" to Committee on Railroads.

"Temperance" to Committee on Temperance.

Respectfully submitted.

E. C. MANNING, *Chairman.*

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Gilmore introduced House joint resolution No. 3, proposing an amendment to section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, which was read a first time.

Mr. Armstrong offered House concurrent resolution No. 9, congratulating the Secretary of the Treasury and the country upon the safe return to specie payments.

Laid over under the rules.

Mr. Bull offered House concurrent resolution No. 11, in relation to amendments to the constitution of the State of Kansas.

Laid over under the rules.

Mr. Rice offered House concurrent resolution No. 12, in relation to the appointment of a joint committee to visit the Insane Asylum at Osawatomie.

Laid over under the rules.

Mr. James, of Wyandotte, offered House concurrent resolution No. 13, providing for a resurvey of the State line between the States of Missouri and Kansas.

Laid over under the rules.

Mr. Biddle offered the following resolution, which by consent was read, and laid over under the rules:

#### POLITICAL RESOLUTION.

*Whereas*, It appears from evidence that cannot be doubted, that in certain parts of the Southern States, and particularly in Louisiana and South Carolina, the rights of American citizens to vote freely and untrammelled, to discuss the political questions of the country unmolested, and to express opinions on political subjects, have been denied them; that to accomplish this great injustice to certain citizens, a system of organized crime, brutality and murder has been inaugurated which is atrocious and merci-



less, and is repugnant to every principle of republican government; that the citizen, to protect his rights in this respect, dare not raise his hand nor arm himself, being assured that any act of his in this respect will cause his arrest, imprisonment, conviction and punishment upon the testimony of his lawless persecutors, through the venality of courts and juries, and to satisfy a prevailing corrupt opinion in those sections of our country which uphold the iniquities and crimes recited herein; and

*Whereas*, The crimes enumerated herein are protected and upheld by the leaders of the Southern Democracy, and are defended by so-called respectable Democratic leaders in the Northern States, to the end that the constitutional provisions adopted as the fruits and results of the late Rebellion may be annulled, and that the upholders of this iniquity, North and South, may obtain possession and control of this Government, and make useless the great principles in our fundamental law, which were supposed to be settled by the war, and secure by such possession of the Government what they failed to obtain by the war; and

*Whereas*, All systems of conciliation and peace have been spurned, and the magnanimity of the nation toward the late rebels has been treated with contempt: therefore, be it

*Resolved*, That we will and do regard this issue of the rights of citizens in our common country as of the first importance in state and nation, and bind ourselves to work for a solid North against a solid South, upon the issue thus presented to us by an unreconstructed solid South, until in all this land, from north to south, and from sea to sea, each citizen of our common country can, without fear or molestation, entertain and freely express such opinions on political subjects as he may desire, and fully and freely exercise all his political rights guaranteed by the constitution.

#### TEMPERANCE RESOLUTION.

Mr. Alexander offered the following resolution, which by consent was read, and laid over under the rule:

*Whereas*, The Supreme Court has decided that polygamy is a crime, which is, as we believe, the death-knell of this barbarous curse, and all good people rejoice at the returning signs of morals and good government; and

*Whereas*, Mormonism was and is a great crime, but it affects only one Territory of the Union, and that only partially,

while the great crime of intemperance affects the whole nation, destroying sixty thousand lives and seven hundred millions of dollars in property each year; and

*Whereas*, Believing that governments have the right to protect themselves against crime of every description, and that by treating alcohol in its various forms and its effects as it has Mormonism, it will have achieved a much greater good to the people of this country; and

*Whereas*, The sixty-five millions of dollars of revenue to the Government for the privilege of sale of the poisonous drug to the citizens of our nation, is no equivalent for the sixty thousand lives annually destroyed, worth thirty millions of dollars in earnings each year, besides the woe, destitution and crime which the traffic brings; and

*Whereas*, We believe it the duty of the State as well as the National Government, to treat this as all other great crimes: therefore,

*Resolved*, That the Committee on Temperance be requested to fully examine the statutes of the State with reference to needed legislation on this subject, and report to this House at its earliest convenience, by bill or otherwise.

#### UNFINISHED BUSINESS.

The resolution introduced yesterday by Mr. White, on the subject of intemperance, and inviting George Calderwood, of Ohio, to address the Legislature, at such a time as he may designate, was read.

The question being upon the adoption of the resolution, it was adopted.

House concurrent resolution No. 4, relating to printing the Governor's message, directing the Secretary of State to have five hundred copies printed, in addition to the number provided by law, was taken up, and on motion adopted.

House concurrent resolution No. 1, in relation to rates of freight and passenger tariff on railroads, was taken up, and read.

Whereupon Mr. Legate moved that the time fixed in the resolution for the meeting of the superintendents of railroads in this State, viz., January 26th, inst., be changed to February 3d, and with that modification of the resolution, moved its adoption.

Mr. Biddle moved as an amendment, that the resolution be referred to the Committee on Railroads, when it shall have been appointed.

The question being on the amendment, the motion prevailed, and the resolution was so referred.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted Senate concurrent resolution No. 6, providing for a joint committee to consider the subject of the annexation of Kansas City, Mo., to the State of Kansas.

Also, Senate concurrent resolution No. 9, directing members of Congress from Kansas to obtain a resurvey of the line between the States of Kansas and Missouri, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Mr. James, of Wyandotte, moved to suspend the order of business, and prepare for the meeting of the Legislature in joint session, for the purpose of balloting for a State Printer.

The motion prevailed.

Mr. Hodge moved that the Chief Clerk inform the Senate that the House awaits their pleasure, and is now ready to meet in joint convention.

House and Senate met in joint convention, when the following proceedings were had:

#### JOINT CONVENTION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 21, 1879. }

Pursuant to the provision of the constitution of the State of Kansas in reference to State printing, the members of the two houses of the Legislature of the State of Kansas met in joint convention for the election of State Printer, in the hall of the House of Representatives, at 3 o'clock P. M., on Tuesday, January 21st, 1879; Lieutenant Governor Humphrey in the chair.

The roll of the Senate was called by the Secretary. The following Senators were present, and answered to their names: Messrs. Benedict, Bradbury, Bradley, Brown, Buchan, Carpenter, Evans, Finch, Finney, Gillett, Gillpatrick, Grass, Greene,

Griffin, Guthrie, Hadley, Hallowell, Hamlin, Harris, Henry, Johnston, Kellogg, Kirk, Matthewson, Metsker, Meyers, Morrill, Murdock, Nichols, Ping, Pyburn, Richey, Robinson, Savage, Sluss, Spurgeon, Taylor, Wells, Williams, and Woodworth—being the entire Senate.

The roll of the House of Representatives was called by the Chief Clerk. The following gentlemen were present, and answered to their names: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark of Montgomery, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absent: Mr. Farris.

Quorum of the House present.

A quorum of the convention being present, Senate concurrent resolution No. 11, relating to the joint convention of the Legislature for the purpose of electing a State Printer, was read.

Whereupon the convention proceeded to ballot for a State Printer.

The roll of the Senate was called, with the following result:

Whole number of votes cast, 40.

Mr. G. W. Martin received 23 votes.

Mr. F. P. Baker received 8 votes.

Mr. Samuel Dodsworth received 8 votes.

Mr. J. E. Rastall received 1 vote.

Senators voting for Mr. Martin were: Messrs. Benedict, Bradbury, Brown, Buchan, Finney, Grass, Greene, Griffin, Hallowell, Hamlin, Henry, Johnston, Kellogg, Kirk, Metsker, Meyers, Morrill, Murdock, Ping, Spurgeon, Wells, Williams, and Woodworth.

Senators voting for Mr. Baker were: Messrs. Bradley, Carpenter, Gillett, Guthrie, Matthewson, Richey, Sluss, and Taylor.

Senators voting for Mr. Dodsworth were: Messrs. Evans, Gillpatrick, Hadley, Harris, Nichols, Pyburn, Robinson, and Savage.

Senator Finch voted for Mr. Rastall.

The Chief Clerk then called the roll of the House, with the following result:

Mr. G. W. Martin received 64 votes.

Mr. F. P. Baker received 20 votes.

Mr. Samuel Dodsworth received 43 votes.

Mr. J. E. Rastall received 1 vote.

Gentlemen voting for Mr. G. W. Martin were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Biddle, Bishop, Bissell, Boggs, Bower, Brown, Bull, Callen, Calvin, Congdon, Cunningham, Danhaur, Eastland, Eckles, Eggers, Faulkner, Games, Gillespie, Gilmore, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hawkins, Helmick, Hewins, Hodge, Humes, James of Wyandotte, Kelly, Kennedy, Kollock, Lawson, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, Moore, Morgan, Myers, Parsons, Randolph, Rice, Riggs, Robb, Scott, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Walker, Woodard, and Speaker Clarke.

Gentlemen voting for Mr. S. Dodsworth were: Messrs. Anderson of Cherokee, Barrackman, Beaty, Berry, Bevins, Blackman, Breyfogle, Brinkman, Bronson, Bruner, Butts, Cool, Corbin, Donahue, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hartshorne, Henderson, Hossack, Huffaker, Legate, Majors, McClintick, McMillen, Miller, Price, Prunty, Rath, Richards, Rood, Sallee, Selover, Shaw, Towle, Waite of Pawnee, Watson, White, Wiley, Wilson of Jackson, and Wright.

Gentlemen voting for Mr. F. P. Baker were: Messrs. Alex-



ander, Anderson of Shawnee, Blanchard, Briggs, Clapp, Clark of Montgomery, Clogston, Fidler, Godfrey, Hutchison, James of Shawnee, Keller, Leonard, Manning, McKay, Raybell, Seaton, Stumbaugh, Tucker, and Wilson of Nemaha.

Mr. McCrumb voted for Mr. Rastall.

Absent or not voting, Mr. Farris.

Whole number of votes cast by the convention, 168; necessary to a choice, 85.

George W. Martin having received a majority of all the votes cast, was declared duly elected State Printer for the term beginning July 1, 1879.

Thereupon the following certificate of election was signed by the President of the Senate (as presiding officer of the joint convention), the Secretary of the Senate, Speaker of the House, and Chief Clerk of the House of Representatives:

HALL OF THE HOUSE OF REPRESENTATIVES,	}
TOPEKA, KANSAS, Tuesday, January 21, 1879.	
3 o'clock P. M.	

This certifies that the Legislature of the State of Kansas, assembled in joint convention pursuant to law relating to the election of State Printer, proceeded to vote for State Printer, and that the vote resulted in the election of George W. Martin, of Davis county, for the term of two years, commencing July 1, 1879.

L. U. HUMPHREY,

HENRY BRANDLEY,

*President of Joint Session.*

*Secretary of Senate.*

SIDNEY CLARKE,

WIRT W. WALTON, *Chief Clerk.*

*Speaker of the House.*

On motion of Mr. Legate, the joint session dissolved, and the Senate returned to its chamber.

On motion of Mr. Eggers, the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## SEVENTH DAY.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 22, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Clapp, Farris, Godfrey, Hossack, Manning, Selover, Smith of Bourbon, and Walker.

Quorum present.

The journal of yesterday was read, corrected, and approved.

On motion of Mr. Stewart, Mr. Smith, of Bourbon, was excused, on account of sickness.

## STANDING COMMITTEES.

Speaker Clarke announced the following as the standing committees of the House for 1879:

*Judiciary.*—Mr. Riggs, chairman; Messrs. Randolph, Humes, James of Wyandotte, Eastland, Anderson of Cherokee, Kollock, Hall, Sallee.

*Ways and Means.*—Mr. Faulkner, chairman; Messrs. Legate, Hodge, Berry, Watson, Alexander, Towle, Seaton, Rice.

*Criminal Jurisprudence.*—Mr. Clogston, chairman; Messrs. Parsons, Biddle, Hartshorne, Wait of Pawnee, Clark of Montgomery, Spilman.

*Municipal Indebtedness.*—Mr. Manning, chairman; Messrs. T. P. Gable, Price, Keller, Martin of Labette, Morgan, Riggs.

*Assessment and Taxation.*—Mr. Gilmore, chairman; Messrs. Bronson, Prunty, James of Wyandotte, James of Shawnee, Stewart, Martin of Miami.

*Retrenchment and Reform.*—Mr. Congdon, chairman; Messrs. Raybell, Beaty, Anderson of Ellsworth, Clapp, T. P. Gable, McMillen.

*State Affairs.*—Mr. Leonard, chairman; Messrs. Scott, Breyfogle, Stewart, Loy, Tallman, Helmick.

*Railroads.*—Mr. Eggers, chairman; Messrs. Hewins, Huffaker, Riggs, Ballard, Greever, Majors, Greiffenstein, Callen, Selover, Willey, Anderson of Ellsworth, Parsons, Helmick, Robb, Bevins, McKay.

*Banks and Banking.*—Mr. Hodge, chairman; Messrs. Congdon, McKay, Barrackman, Morgan, Walker, Willey.

*Federal Relations.*—Mr. Legate, chairman; Messrs. Hodge, Prunty, Tallman, Randolph, Waite of Pawnee, Berry.

*Finance.*—Mr. Hamilton, of Marshall, chairman; Messrs. Hutchison, Leonard, Majors, Gillespie, Barrackman, Rood.

*Private Corporations.*—Mr. Stumbaugh, chairman; Messrs. Kelly, Godfrey, Brown, Hankins, Henderson, Tallman.

*Municipal Corporations.*—Mr. Miller, chairman; Messrs. Greever, Kollock, McKay, Shaw, Alexander, Seaton.

*Internal Improvements.*—Mr. Bower, chairman; Messrs. Hankins, Boggs, Bishop, Briggs, Frank M. Gable, Wright.

*Charitable Institutions.*—Mr. Huffaker, chairman; Messrs. Donahue, Towle, Willey, Richards, Martin of Labette, Shaw.

*Educational Institutions.*—Mr. Brown, chairman; Messrs.

Bishop, Fisler, Blanchard, Hutchison, Stumbaugh, Wait of Lincoln.

*Public Lands.*—Mr. Clapp, chairman; Messrs. Baker, Games, Richards, Wilson, Butts, Majors.

*Public Buildings and Grounds.*—Mr. Anderson, of Shawnee, chairman; Messrs. Briggs, Bruner, F. M. Gable, Wait of Lincoln, Tucker, Ballard.

*Elections.*—Mr. Kennedy, chairman; Messrs. Eastland, Gilmore, Armstrong, Corbin, Richards, Ellison.

*Militia.*—Mr. Hewins, chairman; Messrs. Armstrong, Myers, Stitt, Kennedy, Taylor, Manning.

*Education.*—Mr. Blackman, chairman; Messrs. Armstrong, Parsons, Woodard, Spilman, Eckles, Clapp.

*Roads and Highways.*—Mr. F. M. Gable, chairman; Messrs. Wilson, Wait of Linn, Barber, Boggs, Wilson, McMillen.

*Printing.*—Mr. Morgan, chairman; Messrs. Martin of Kingman, McClintick, Albin, Gilmore, Kelly, James of Shawnee.

*Fees and Salaries.*—Mr. Bull, chairman; Messrs. Clark of Montgomery, Barrackman, Leonard, McClintick, Farris, Watson.

*County Lines and County Seats.*—Mr. Butts, chairman; Messrs. Brinkman, Danhaur, Huffaker, Myers, Blanchard, Taylor, Donahue, Greiffenstein.

*Agriculture.*—Mr. Loy, chairman; Messrs. Cunningham, McMillen, Barber, Henderson, McCrumb, Gillespie.

*Manufactures.*—Mr. Seaton, chairman; Messrs. Bevins, James of Shawnee, Brown, Calvin, Moore, Rath.

*Penitentiary.*—Mr. Ballard, chairman; Messrs. Bissell, T. P. Gable, Stitt, Rood, Wilson, Donahue.

*Claims.*—Mr. Robb, chairman; Messrs. Bruner, Biddle, Smith of Bourbon, Selover, Wilson, T. P. Gable.

*Accounts.*—Mr. Walker, chairman; Messrs. Godfrey, Scott, Hamilton of Norton, Corbin, Breyfogle, Tucker.

*Engrossed Bills.*—Mr. Taylor, chairman; Messrs. Bull, Cunningham, Lawson, Smith of Bourbon, McCrumb, Briggs.

*Enrolled Bills.*—Mr. James, of Wyandotte, chairman; Messrs. Scott, Eggers, Danhaur, Humes, Wilson, Blanchard.

*State Library.*—Mr. Martin, of Kingman, chairman; Messrs. Bishop, Albin, Blackman, Martin of Miami, Danhaur, Woodard.

*Immigration.*—Mr. Rath, chairman; Messrs. Brinkman, Miller, Hossack, Hutchison, Greiffenstein, Hamilton of Norton.

*Insurance.*—Mr. White, chairman; Messrs. Beaty, Eastland, Majors, Brinkman, Smith of Marshall, Anderson of Shawnee.

*Apportionment.*—Mr. Wait, of Lincoln, chairman; Messrs. Stumbaugh, Albin, Sallee, Lawson, Bower, Baker, Greever, Myers.

*Mines and Mining.*—Mr. Callen, chairman; Messrs. Hossack, Bower, Games, Hamilton of Marshall, Helmick, Henderson.

*Inter-State Commerce.*—Mr. Wright, chairman; Messrs. Ewing, Farris, Fisler, Cool, Ellison, Godfrey.

*Revision of the Laws.*—Mr. Keller, chairman; Messrs. Harts-horne, Clark of Montgomery, Clogston, Hall, Sallee, Tucker.

*Mileage.*—Mr. Raybell, chairman; Messrs. Bissell, Blanchard, Ewing, Moore, Stitt, Walker.

*Temperance.*—Mr. Calvin, chairman; Messrs. Woodard, Eckles, Breyfogle, Cool, White, Stitt.

#### QUESTION OF PRIVILEGE.

Mr. Legate arose to a question of privilege, and asked to be excused, "on account of age and infirmities," from duty on the standing committees upon which he had been appointed.

Objected to by the House.

Whereupon, Mr. Legate moved that he be excused.

Upon this question Mr. Armstrong moved the previous question.

The question then being, Shall the main question be now put? the motion did not prevail.

The question then recurring on the motion to excuse, the motion did not prevail.

Mr. Biddle arose to a question of privilege, and asked that he be excused from the committees upon which he had been appointed by the Speaker. Objected to.

Mr. Biddle moved that he be excused, which motion did not prevail.

Mr. Smith, of Marshall, arose to a question of privilege, and asked that he be excused from working in the committees upon which he had been appointed by the Speaker.

Objected to by the House.

Whereupon, Mr. Smith, of Marshall, moved that he be ex-



cused from service on said committees, which motion did not prevail.

#### ELECTION PAPERS IN CONTESTED CASES.

Mr. Speaker Clarke reported the papers in the contested cases of *Haffer vs. Rood*, and *Allen vs. Spilman*.

Referred to Committee on Elections.

#### PRESENTATION OF PETITIONS.

By Mr. Kennedy: Petition of Robert Tracy, Wm. Reeder, and 150 other voters of Doniphan county, asking the Legislature to pass a law to regulate freights and passenger fares on railroads. Referred to Committee on Railroads.

By Mr. Lawson: Petition of C. O. Chapin and others, asking for the passing of a law forming a certain school district in Lyon county. Referred to Committee on Judiciary.

By Mr. Biddle: Petition of James Barrick and others, in reference to Price raid claims. Referred to Committee on Claims.

By Mr. Morgan: Petition of 31 citizens of Chase county, asking for a law to vacate a portion of a certain State road in Chase county. Read, and referred to Committee on Roads and Highways.

By Mr. Morgan: Petition of 52 citizens of Chase county, praying for the passage of a law vacating a certain portion of a State road in Chase county. Read, and referred to Committee on Roads and Highways.

By Mr. Hodge: House memorial No. 1, of C. C. Furley, M. D., President, and other members of the Kansas Medical Society, praying for the passage of an act regulating the practice of medicine in this State. Referred to the Committee on Judiciary.

By Mr. Humes: Of R. C. White, and 115 others, praying for the relief from taxation of certain Agricultural College lands. Read, and referred to the Committee on Judiciary.

By Mr. Biddle: Of M. McCauley and others, praying for the passage of a law settling the Price raid claims. Referred to the Committee on Claims.

By Mr. Wright: Of certain citizens of Buffalo county, praying that no change be made in the boundary lines of said county. Read, and referred to the Committee on Counties and County Lines.

By Mr. Albin: Of citizens of Butler county, in reference to

rates of fare and freight on railroads. Read, and referred to the Committee on Railroads.

By Mr. Lawson: Of certain citizens of Reno county, asking legislation reducing the fare and freight rates on railroads. Read, and referred to the Committee on Railroads.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read a first time:

By Mr. Parsons: House bill No. 50, An act providing for the confinement at hard labor in the Penitentiary for life of any person three times convicted of any felony or felonies.

By Mr. Armstrong: House bill No. 51, An act regulating the payment of wages of employés by corporations.

By Mr. Wait of Lincoln: House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor.

By Mr. Cool: House bill No. 53, An act amending section 100 of chapter 81 of the General Statutes, relating to jurors in a justice's court.

By Mr. Riggs: House bill No. 54, An act relating to foreign insurance companies doing business in this State.

By Mr. Riggs: House bill No. 55, An act to regulate insurance.

By Mr. Riggs: House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State.

By Mr. Myers: House bill No. 57, An act to amend section 3 of chapter 34 of the Session Laws of 1876, being an act entitled "An act to provide for the assessment and collection of taxes."

By Mr. Anderson of Cherokee: House bill No. 58, An act to confer the rights of majority on George Springer, James Edmon Chambers and Mary Ann Chambers.

By Mr. Loy: House bill No. 59, An act conferring the rights of majority on Elisha J. Holderness, a minor.

By Mr. Hodge: House bill No. 60, An act to regulate the practice of medicine in the State of Kansas.

By Mr. Baker: House bill No. 61, An act for the relief of defaulting purchasers of school lands.

By Mr. James of Wyandotte: House bill No. 62, An act

amendatory of section 6 of chapter 65 of the General Statutes of the State of Kansas for 1868, entitled "An act relating to mills and milling."

By Mr. White: House bill No. 63, An act to amend section 4 of article 14 of the Laws of 1876, being "An act for the regulation and support of common schools."

By Mr. Hall: House bill No. 64, An act to repeal chapter 39 of the general laws of Kansas of 1877, entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," approved March 5, 1877.

By Mr. Prunty: House bill No. 65, An act to amend section 2 of an act approved March 2, 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads."

By Mr. Miller: House bill No. 66, An act to amend section 321 of the code of civil procedure.

House bill No. 67, An act to amend section 315 of the code of civil procedure.

By Mr. Bower: House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county.

By Mr. Eastland: House bill No. 69, An act to amend an act authorizing proceedings in justice's court against garnishees—chapter 163, Laws of 1872—providing the manner of service in certain cases.

By Mr. Martin, of Kingman: House bill No. 70, An act defining the boundaries of Kingman county, Kansas.

By Mr. Sallee: House bill No. 71, An act to amend an act entitled "An act concerning descents and distribution," approved March 2, 1868.

By Mr. Price: House bill No. 72, An act declaratory of certain acts of the Legislature of the Territory of Kansas, creating railroad corporations, as to the term of duration and existence of such corporations.

By Mr. Hewins: House bill No. 73, An act to remove the political disabilities from certain persons therein named.

House bill No. 74, An act in relation to private roads.

By Mr. Biddle: House bill No. 75, An act to vacate a part

of the town site of the city of Pleasanton, in Linn county, Kansas.

House bill No. 76, An act to repeal chapter 145, Laws of 1877, being an act in relation to the transfer of real estate in the name of the owner.

By Mr. Biddle: House bill No. 77, An act to provide for the issue of union military bonds of the State of Kansas, for the purpose of liquidating the indebtedness of the State assumed February 17, 1869, for the Price raid claims, of 1864, and the Indian expedition under Major General Curtis, in July and August, 1864.

By Mr. Keller: House bill No. 78, An act to change the name of Andrew J. VanValkenburg to Andrew J. Walters.

House bill No. 79, An act to repeal section 8, chapter 37 of the Laws of 1872.

By Mr. Legate: House bill No. 80 (with accompanying papers), An act providing for the payment of debt of any divided township for which an order has been issued.

By Mr. Albin: House bill No. 81, An act to legalize the official acts of certain township officers of Butler county, Kansas.

House bill No. 82, An act regulating the official acts of J. T. Masterson, of Butler county, Kansas.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas.

By Mr. Brinkman: House bill No. 84, An act defining the boundaries of Lane county, and repealing section 11 of chapter 72, Laws of 1873.

By Mr. Hamilton, of Marshall: House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps.

#### SECOND READING OF BILLS.

The following bills were read a second time, and referred as follows:

##### *To the Committee on Counties and County Lines:*

House bill No. 1, An act changing and defining the boundaries of the counties of Davis and Dickinson.

House bill No. 3, An act to amend an act entitled "An act defining the boundaries of counties."

House bill No. 23, An act defining the boundaries of Barton and Pratt counties.

*To the Committee on Judiciary:*

House bill No. 2, An act conferring the right of majority on Robert J. Weisback, minor.

House bill No. 4, An act fixing the time for holding the terms of the district court in Clay county.

House bill No. 5, An act to confer the rights of majority on Wm. Smith, a minor.

House bill No. 7, An act conferring the right of majority on Clarence M. Thompson, of Osage county.

House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Neosho county, Kansas."

House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts of land known as the State Agricultural College lands.

House bill No. 11, An act to change the name of Henry Frundlick to Henry Friendlick.

House bill No. 12, An act to change the name of Daisey Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edwin D. Lawrence her guardian.

House bill No. 13, An act to regulate the practice of medicine in the State of Kansas.

House bill No. 22, An act to enable Homer L. Steis to exercise the rights of majority.

House bill No. 25, An act to regulate the practice of medicine and surgery in the State of Kansas.

House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisement.

House bill No. 28, An act to amend section 1 of chapter 81 of the General Statutes of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases."

House bill No. 34, An act to change the name of Philip Wenzell to that of Philip Wendell.

HOUSE House bill No. 36, An act conferring the right of majority on James Renick Fowler.

House bill No. 37, An act to legalize the acts of George S. Green, as notary public.

House bill No. 39, An act conferring the right of majority on James P. Cramer.



House bill No. 40, An act to change the name of A. C. Stretch to A. C. Sims.

House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city.

*To the Committee on Assessment and Taxation:*

House bill No. 6, An act providing for the redemption of real estate sold for taxes in any city or county, and remaining unredeemed, and the certificate untransferred.

House bill No. 16, An act to empower county commissioners to levy a special tax to pay outstanding warrants.

House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877.

House bill No. 27, An act to amend section 127 of chapter 34, Laws of 1872, relating to the assessment and collection of taxes.

House bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872.

House bill No. 42, An act to amend section 127 of chapter 34 of the general laws of Kansas of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876.

House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale.

House bill No. 44, An act to amend section 1 of chapter 78 of the laws approved March 5, 1875, and to repeal section 5 of chapter 8 of the laws passed at the special session of 1874.

House joint resolution No. 3, proposing an amendment to section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation.

*To the Committee on Agriculture:*

House bill No. 8, An act to prevent the running at large in the night time of certain domestic animals, in the several counties of the State.

*To the Committee on Fees and Salaries:*

House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877.

House bill No. 15, An act regulating the salaries of County Clerk and County Treasurer of Osborne county.

House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks."

House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salary of county treasurers."

*To the Committee on Finance:*

House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3d, 1877.

*To the Committee on Elections:*

House bill No. 18, An act to amend an act entitled "An act to amend section 3 of an act amendatory of an act entitled 'An act relating to counties and county officers,' approved February 28, 1871," relating to division of counties into commissioner districts, approved March 4, 1873.

*To the Committee on Public Lands:*

House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875; all relating to the sale of the lands of the State University.

*To the Committee on Ways and Means:*

House bill No. 21, An act making appropriations for the purpose of paying the fees of registers and receivers of United States land offices for the final location of lands granted to the State of Kansas by the United States as indemnity school lands.

House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881.

House bill No. 35, An act making an appropriation for the extension and completion of the Insane Asylum at Osawatomie.

*To the Committee on Counties and County Lines:*

House bill No. 46, An act to define the western boundaries of Leavenworth city, Kansas.

*To the Committee on Municipal Corporations:*

House bill No. 38, An act to authorize the board of county commissioners of the several counties and the mayor and city council of any city, and board of education of any city, and the trustees of any township, or the board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness.

*To the Committee on Roads and Highways:*

House bill No. 41, An act to vacate certain streets and alleys in Baldwin City.

House bill No. 48, An act authorizing the board of county commissioners of Atchison county to improve roads in said county.

*To the Committee on Manufactures:*

House bill No. 49, An act relating to mills and millers, and amendatory of chapter 65, General Statutes of 1868.

*To the Committee on Railroads:*

House bill No. 43, An act to amend section 56 of the general laws of Kansas of 1868, entitled "An act concerning private corporations," approved February 29, 1868.

*To the Committee on Judiciary:*

House joint resolution No. 1, relating to Dassler's Kansas Statutes.

House joint resolution No. 2, removing the disabilities of W. P. Ewing, of Barbour county, Kansas.

## THIRD READING OF BILLS.

Mr. Smith, of Marshall, moved that the rules be suspended and that House bill No. 45, An act making appropriations for legislative expenses, be considered engrossed, and ordered to a third reading now, which motion prevailed.

Whereupon, the bill was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result: Yeas, 105; nays, 12. (Constitutional majority, 65.)

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner,

Bull, Butts, Callen, Calvin, Clapp, Clark, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kollock, Lawson, Leonard, Loy, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Clogston, Faulkner, Greever, Henderson, Hewins, Majors, Manning, Martin of Kingman, Prunty, Seaton, and Taylor.

Gentlemen absent or not voting were: Messrs. Corbin, Farris, Gilmore, Hossack, Kennedy, Legate, Parsons, Rood, Selover, Smith of Bourbon, Towle, and Wait of Lincoln.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

Ordered, that the Chief Clerk inform the Senate thereof.

#### RESOLUTIONS LAID OVER.

Senate concurrent resolution No. 3, providing for a joint committee on revision of laws, was read, and on motion of Mr. Smith, of Marshall, made the special order for Thursday, January 23d, at 4 o'clock P. M.

Senate concurrent resolution No. 6, providing for a joint committee to consider the subject of the annexation of Kansas City, Mo., to the State of Kansas, was read, and on motion, concurred in.

The Speaker announced the following as the

#### SPECIAL COMMITTEE ON ANNEXATION

On the part of the House: Messrs. Greever, Richards, Gilmore, Fisler, and Brinkman.

Mr. Smith, of Marshall, moved to reconsider the vote by which Senate concurrent resolution No. 6, providing for a joint com-

mittee to consider the subject of the annexation of Kansas City, Mo., to the State of Kansas, was concurred in.

Mr. James, of Wyandotte, moved to lay the motion on the table, which motion prevailed.

Senate concurrent resolution No. 4, asking for federal courts in the Indian Territory, was read, and the question being, Shall the House concur? Mr. Sallee offered the following amendment: Strike out all of the second section after the word "Representative" in the third line thereof, and in lieu thereof insert, "D. C. Haskell, providing for holding United States courts in Kansas," so that the said section shall read:

*"Resolved by the Senate, the House of Representatives concurring therein, That our Representatives in Congress are hereby requested and our Senators are instructed to secure, if possible, the passage of the bill introduced by our Representative, D. C. Haskell, providing for holding United States courts in Kansas."*

Mr. Legate moved that the further consideration of the resolution and the proposed amendment, be indefinitely postponed.

Mr. Biddle moved that the whole subject be referred to the Committee on Federal Relations.

Whereupon Mr. Legate moved to lay the motion on the table, which motion prevailed.

Senate concurrent resolution No. 7, adopting joint rules of 1877 as the joint rules of 1879, was taken up, read, and on motion concurred in.

Senate concurrent resolution No. 8, constituting a joint committee to investigate the Price raid claims, was taken up, and read.

Mr. Legate moved to lay the resolution on the table, which motion prevailed.

Senate concurrent resolution No. 9, directing members of Congress from Kansas to obtain a resurvey of the line between the States of Missouri and Kansas, was taken up, and read.

Whereupon Mr. James, of Wyandotte, moved to amend by substituting the text of House concurrent resolution No. 13, relating to a resurvey of the State line between the States of Missouri and Kansas.

Mr. Biddle moved to indefinitely postpone the whole subject, which motion did not prevail.



Mr. Biddle moved to lay the resolution and the substitute on the table, which motion did not prevail.

The question being on the amendment offered by Mr. James, of Wyandotte, the motion prevailed.

Mr. Manning moved to reconsider the vote by which House concurrent resolution No. 8, relating to the revision of the statutes of Kansas, was laid upon the table.

Mr. Legate moved to lay the motion on the table.

The yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 111. Majority under the rule, 56. Yeas, 54; nays, 57. Absent or not voting, 18.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Baker, Barber, Bar rackman, Berry, Bevins, Bishop, Blackman, Blanchard, Boggs, Briggs, Brinkman, Bronson, Brown, Butts, Calvin, Clogston, Eastland, Ellison, Faulkner, Fisler, Gable (Thos. P.), Gillespie, Godfrey, Hartshorne, Helmick, Henderson, Hodge, Hutchison, James of Shawnee, Kelly, Kennedy, Kollock, Legate, Martin of Labette, McClintick, Miller, Myers, Prunty, Randolph, Rood, Seaton, Smith of Marshall, Spilman, Stumbaugh, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Alexander, Armstrong, Ballard, Beaty, Biddle, Bissell, Bower, Breyfogle, Bruner, Bull, Callen, Clapp, Clark, Congdon, Cool, Cunningham, Danhaur, Eckles, Gable (Frank M.), Games, Greever, Hall, Hamilton of Norton, Hankins, Huffaker, Humes, James of Wyandotte, Keller, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Miami, McKay, McMillen, Moore, Morgan, Parsons, Price, Rath, Rice, Riggs, Robb, Sallee, Scott, Shaw, Stewart, Stitt, Tallman, Taylor, Tucker, Watson, White, Wilson of Jackson, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Corbin, Donahue, Eggers, Ewing, Farris, Gilmore, Greiffenstein, Hamilton of Marshall, Hewins, Hossack, Lawson, McCrumb, Raybell, Richards, Selover, Smith of Bourbon, and Towle.

The motion did not prevail.

Mr. Manning moved the previous question, and the question

being, Shall the main question be now put? the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 96. Majority under the rule, 49. Yeas, 80; nays, 16. Absent or not voting, 33.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Biddle, Bishop, Bower, Breyfogle, Bronson, Brown, Bruner, Callen, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eastland, Eckles, Eggers, Ewing, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hewins, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kelly, Kollock, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Parsons, Price, Randolph, Rath, Richards, Riggs, Robb, Rood, Sallee, Scott, Shaw, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, Wilson of Jackson, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Berry, Bevins, Bissell, Blackman, Blanchard, Brinkman, Ellison, Gable (Thos. P.), Hamilton of Norton, Henderson, Lawson, Legate, McKay, Wait of Lincoln, Waite of Pawnee, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Alexander, Barber, Barrackman, Beaty, Boggs, Briggs, Bull, Butts, Clapp, Clogston, Corbin, Danhaur, Farris, Faulkner, Fisler, Gillespie, Greiffenstein, Hodge, Hossack, James of Shawnee, Kennedy, Majors, McMillen, Prunty, Raybell, Rice, Seaton, Selover, Smith of Bourbon, Smith of Marshall, White, Willey, and Speaker Clarke.

So the call for the previous question was sustained.

Mr. Legate moved that the House adjourn.

(Declared out of order.)

Mr. Smith, of Marshall, moved to postpone the further consideration of the resolution until Tuesday next.

The motion did not prevail.

The question being on the motion to concur in the resolution, the motion prevailed.

Mr. Riggs, chairman of the Judiciary Committee, asked consent of the House to employ a clerk, as appears from the following communication :

HOUSE OF REPRESENTATIVES, TOPEKA, Jan. 22, 1879.

*To Hon. Sidney Clarke, Speaker of House of Representatives:*  
The House of Representatives having given to the Judiciary Committee permission to employ a clerk at the public expense, I beg leave to recommend as such clerk Albert Knittle, Esq., and respectfully request his appointment.

SAM'L A. RIGGS,

*Chairman of Judiciary Committee.*

On motion, consent was granted.

Mr. Albert Knittle, having been appointed clerk of the Judiciary Committee, came forward and subscribed to the following oath:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Judiciary Committee of the House of Representatives of the State of Kansas. So help me God. (Signed) ALBERT KNITTLE.

Sworn and subscribed to before me, this 22d day of January, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

By consent, Mr. Manning offered House concurrent resolution No. 14, in relation to printing 400 copies of rules.

Laid over under the rules.

By consent, Mr. Hodge offered House concurrent resolution No. 15, authorizing the Secretary of State to provide suitable rooms for the use of the Engrossing and Enrolling Clerks.

Laid over under the rules.

By consent, Mr. Parsons offered House concurrent resolution No. 16, providing for the printing of the Governor's message in the German and Swedish languages.

Laid over under the rules.

The Speaker presented the following

#### COMMUNICATION.

*To the Speaker of the House of Representatives, State of Kansas:*  
In reply to resolutions adopted by the honorable body over which you preside, inviting me to address the Legislature of Kansas upon the subject of temperance, I would respectfully say that I feel myself highly honored by the compliment. With the invitation I comply, and it affords me much pleasure to do

so. I will therefore appoint Friday evening, January 24th, as the most suitable time for my convenience, and commence the lecture at half-past 7 o'clock.

With sentiments of high consideration,

I am, yours, truly,      GEORGE CALDERWOOD.

By consent, Mr. Gilmore offered the following resolution, which was laid over under the rules:

*Resolved*, That Rule 1 of the House be so amended as to read as follows:

“RULE 1. The hours for meeting each day shall be 10 o'clock A. M. and 2 o'clock P. M., unless a different time be prescribed by resolution.”

Mr. James, of Wyandotte, offered the following resolution, and moved its adoption:

*Resolved by the House of Representatives*, That the chairman of the Judiciary Committee is hereby authorized to secure a room for the use of said committee.

The resolution was adopted.

By consent, Mr. Robb offered House concurrent resolution No. 17, to provide for twenty-five copies of some weekly newspaper for each member and Senator.

Laid over under the rules.

#### MESSAGE FROM THE SENATE.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has indefinitely postponed House concurrent resolution No. 5, in reference to a joint session for the purpose of electing a State Printer.

H. BRANDLEY, *Secretary*.

By consent, leave was granted the Committee on Ways and Means to employ a clerk.

Mr. Donahue moved that the House do now adjourn.

The motion did not prevail.

Mr. Legate moved that the rules be suspended, and that House concurrent resolution No. 17, to provide for twenty-five copies of some weekly newspaper for each member and Senator, be considered now.

Mr. Smith, of Marshall, moved to lay the motion on the table.

The yeas and nays being demanded, were had, with the following result:

Whole number of votes cast, 113. Majority under the rule, 57. Yeas, 54; nays, 59. Absent or not voting, 16.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Baker, Blanchard, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Callen, Clark, Cool, Corbin, Cunningham, Danhaur, Eastland, Eggers, Games, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Helmick, Hewins, Hodge, Kollock, Lawson, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, Miller, Moore, Morgan, Parsons, Rice, Rood, Sallee, Scott, Shaw, Smith of Marshall, Spilman, Stewart, Tallman, Wait of Linn, Waite of Pawnee, Walker, Watson, White, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Butts, Calvin, Clapp, Clogston, Donahue, Eckles, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greever, Hamilton of Norton, Hartshorne, Hankins, Henderson, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Legate, Manning, Martin of Kingman, McKay, McMillen, Myers, Price, Prunty, Randolph, Rath, Raybell, Richards, Robb, Rood, Stumbaugh, Taylor, Tucker, Wait of Lincoln, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Barber, Briggs, Brinkman, Congdon, Farris, Faulkner, Fisler, Hossack, McCrumb, Riggs, Seaton, Selover, Smith of Bourbon, Stitt, Towle, and Speaker Clarke.

The motion to lay on the table did not prevail.

Mr. Butts moved to amend the resolution by inserting in the place of "some weekly newspaper" the words, "the *Kansas City Weekly Times*."

Mr. Biddle moved as an amendment to the amendment the following:

"*Provided*, That such subscriptions shall not cost the State over thirty cents per copy for each paper so subscribed for."

The amendment to the amendment did not prevail.

Mr. James, of Wyandotte, moved as an amendment to the amendment, that "each member or Senator be allowed to sub-



scribe for twenty-five copies of a weekly or six copies of a daily paper, as he may choose."

The motion did not prevail.

The question being on the amendment as offered by Mr. Biddle, on motion of Mr. Bruner the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

---

## EIGHTH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 23, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Greever, Greiffenstein, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker,

Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Shawnee, Bishop, Briggs, Clark, Clogston, Farris, Fisler, Gable (Thos. P.), Godfrey, Hall, Hamilton of Norton, Kelly, Seaton, Selover, and Smith of Bourbon.

Quorum present.

Pending the reading of the journal, on motion of Mr. Donahue the further reading of the journal was dispensed with.

On motion, leave of absence was granted Mr. Fisler, on account of sickness.

#### PRESENTATION OF PETITIONS.

Petition No. 12, by Mr. Brinkman: Of citizens of Barton county, praying for the passage of a law regulating freights and fares on railroads.

Referred to the Committee on Railroads.

#### ASSISTANT DOCKET CLERK.

By consent, Mr. Legate offered the following resolution, and moved its adoption:

*"Resolved, That the Speaker is hereby authorized to appoint an Assistant Docket Clerk, upon the recommendation of the Chief Clerk."*

The resolution was adopted.

Whereupon the Speaker announced the appointment of G. C. West, of Labette county.

Mr. West came forward, and subscribed to the following oath, which was administered by the Speaker:

I do solemnly swear that I will support the constitution of the United States, the constitution of the State of Kansas, and faithfully discharge the duties of Assistant Docket Clerk of the Kansas House of Representatives. So help me God.

(Signed) G. C. WEST.

Sworn and subscribed to before me, this 23d day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

## PRESENTATION OF PETITIONS.

Petition No. 13, by Mr. Prunty: Of citizens of Pottawatomie county, asking the passage of a law regulating freight and passenger fares on railroads. Referred to the Committee on Railroads.

Petition No. 14, by Mr. Anderson, of Shawnee: In reference to Price raid claims. Referred to Committee on Claims.

Petition No. 15, by Mr. Walker: Of citizens of Sixty-eighth Representative district, in reference to freights and tariffs on railroads. Referred to Committee on Railroads.

## INTRODUCTION OF BILLS.

The following bills were introduced, and read a first time:

By Mr. Moore: House bill No. 86, An act to amend section 11 of chapter 35 of the statutes of 1868, regulating the sale of intoxicating liquors.

By Mr. Martin, of Kingman: House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, Kansas.

By Mr. Butts: House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

By Mr. Wilson, of Jackson: House bill No. 89, An act conferring the rights of majority on William H. Hutchinson, a minor.

By Mr. Spilman: House bill No. 90, An act to repeal section 8 of an act entitled "An act for the encouragement of agriculture," chapter 37 of the Session Laws of 1872.

By Mr. Price: House bill No. 91, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose.

House bill No. 92, An act to enable Theodore Juelke to exercise the rights of majority.

By Mr. Richards: House bill No. 93, An act to amend section 27 of chapter 83 of the General Statutes of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in case of misdemeanor."

House bill No. 94, An act to amend section 73 of chapter 36

of the General Statutes of 1868, entitled "An act to regulate elections."

By Mr. Brinkman: House bill No. 95, An act to legalize the levy of taxes made in the year A. D. 1878 in the city of Great Bend, Barton county, Kansas, a city of the third class, to pay the Brinkman judgment, and the levy of taxes made in said city in said year to pay the Wilder judgment.

By Mr. Robb: House bill No. 96, An act to enable Henry Bell to exercise the rights of majority.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read a second time, and referred to appropriate committees, as follows:

##### *To the Committee on Judiciary:*

House bill No. 30, An act to amend section 69 of chapter 81 of the General Statutes of Kansas, relating to civil procedure before justices of the peace.

House bill No. 51, An act regulating the payment of wages of employés by corporations.

House bill No. 53, An act amending section 100 of chapter 81 of the General Statutes, relating to jurors in a justice's court.

House bill No. 54, An act relating to foreign insurance companies doing business in this State.

House bill No. 55, An act to regulate insurance.

House bill No. 58, An act to confer the rights of majority on George Springer, James Edmon Chambers and Mary Ann Chambers.

House bill No. 59, An act conferring the rights of majority on Elisha J. Holderness, a minor.

House bill No. 60, An act to regulate the practice of medicine in the State of Kansas.

House bill No. 66, An act to amend section 321 of the code of civil procedure.

House bill No. 67, An act to amend section 315 of the code of civil procedure.

House bill No. 69, An act to amend an act authorizing proceedings in justice's court against garnishees—chapter 163, Laws of 1872—providing the manner of service in certain cases.

House bill No. 71, An act to amend an act entitled "An act

concerning descents and distribution," approved March 2d, 1868.

House bill No. 72, An act declaratory of certain acts of the Legislature of the Territory of Kansas, creating railroad corporations, as to the term of duration and existence of such corporations.

House bill No. 73, An act to remove the political disabilities from certain persons therein named.

House bill No. 75, An act to vacate a part of the town site of the city of Pleasanton, in Linn county, Kansas.

House bill No. 76, An act to repeal chapter 145, Laws of 1877, being an act in relation to the transfer of real estate in the name of the owner.

House bill No. 78, An act to change the name of Andrew J. Vanvalkenburg to Andrew J. Walters.

House bill No. 79, An act to repeal section 8, chapter 37, of the Laws of 1872.

House bill No. 81, An act to legalize the official acts of certain township officers of Butler county, Kansas.

House bill No. 82, An act regulating the official acts of J. T. Masterson, of Butler county, Kansas.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas.

*To the Committee on Criminal Jurisprudence:*

House bill No. 50, An act providing for the confinement at hard labor in the penitentiary for life of any person three times convicted of any felony or felonies.

*To the Committee on Agriculture.*

House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein, across the cultivated lands or hedge-rows of another, and providing a penalty therefor.

House bill No. 62, An act amendatory of section 6 of chapter 65 of the General Statutes of the State of Kansas for 1868, entitled "An act relating to mills and milling."

*To the Committee on Public Lands:*

House bill No. 61, An act for the relief of defaulting purchasers of school lands.



House bill No. 63, An act to amend section 4 of article 14 of the Laws of 1876, being "An act for the regulation and support of common schools."

*To the Committee on Assessment and Taxation:*

House bill No. 57, An act to amend section 3 of chapter 34 of the Session Laws of 1876, being an act entitled "An act to provide for the assessment and collection of taxes."

House bill No. 64, An act to repeal chapter 39 of the general laws of Kansas of 1877, entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," approved March 5, 1877.

House bill No. 65, An act to amend section 2 of an act approved March 2, 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads."

*To the Committee on Railroads:*

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State.

*To the Committee on Roads and Highways:*

House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county.

House bill No. 74, An act in relation to private roads.

*To the Committee on Counties and County Lines:*

House bill No. 70, An act defining the boundaries of Kingman county, Kansas.

House bill No. 84, An act defining the boundaries of Lane county, and repealing section 11 of chapter 72, Laws of 1873.

*To the Committee on Municipal Corporations:*

House bill No. 80, An act providing for the payment of debt of any divided township for which an order has been issued.

*To the Committee on Finance:*

House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps.

*To the Joint Committee on Claims:*

House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas, for the purpose of liquidating the indebtedness of the State assumed February 17, 1869, for the Price raid claims of 1864, and the Indian expedition under Major General Curtis, in July and August, 1864.

## SPECIAL MESSAGE FROM THE GOVERNOR.

The following special message from the Governor was read, and referred to the Committee on Ways and Means:

STATE OF KANSAS, }  
EXECUTIVE DEPARTMENT, Jan. 21, 1879. }

TO THE LEGISLATURE: I desire to call your attention to the fact that the \$2,000 appropriated under the act of March 5, 1877, for telegraphing and postage and contingent fund for the executive office for the fiscal year ending June 30, 1879, was, with the exception of \$39.21, exhausted prior to the commencement of the present administration; and that, excepting a small portion of the sum last named, the executive office is entirely destitute of a contingent fund. I therefore respectfully request that the sum of \$1,500 be appropriated as a contingent fund for the executive office to June 30, 1879.

JOHN P. ST. JOHN, *Governor.*

## RESOLUTIONS.

Mr. Blackman offered House concurrent resolution No. 18, in relation to collection of claims against railroad companies in the hands of receivers.

Laid over under the rules.

Mr. Martin, of Kingman, offered House concurrent resolution No. 19, relating to the Osage trust lands.

Laid over under the rules.

Mr. Thos. P. Gable offered the following resolution, which on motion was adopted:

*Resolved*, That the Committee on Penitentiary be instructed to inquire into and report the feasibility and advisability of sinking a coal shaft at the State Penitentiary, and report the probable cost of such shaft.

## REPORT OF STANDING COMMITTEE.

By consent, Mr. Gilmore submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House joint resolution No. 3, proposing an amendment to section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, have had the same under consideration, and instruct me to report the resolution back to the House, with the recommendation that it be passed.

JNO. S. GILMORE, *Chairman*.

Mr. Cunningham offered the following resolution, which was laid over under the rules:

*Whereas*, The Governor, in his annual message, recommends the concentration of the management and sale of all school lands of this State; and

*Whereas*, He recommends that a committee be appointed to investigate the proceedings relating to the selection of the 265,000 acres lately secured to the State: therefore, be it

*Resolved*, That the Committee on Public Lands be instructed to examine into the present condition of all the lands granted to and belonging to the State of Kansas for the benefit of the public schools, colleges, universities and normal schools, or to any other educational institutions of the State, and that they be requested to ascertain the number of acres belonging to each fund, and the value of the same as it can be ascertained, together with any other facts relative to the public lands of the State as in their judgment will be calculated to enable this body to act intelligently upon this subject; and that they report by bill or otherwise at as early a day as is possible.

Mr. Eggers moved that the Committee on Railroads be authorized to employ a clerk.

The motion did not prevail.

Mr. Kennedy moved that the Committee on Elections be authorized to employ a clerk.

Mr. Manning moved that the clerk be discharged when the testimony given in the contested election cases is concluded.

The amendment prevailed.

The question being on the motion as amended, Mr. Smith, of Marshall, moved to lay the motion on the table, which motion prevailed.

## UNFINISHED BUSINESS.

House concurrent resolution No. 17, permitting members and Senators each to subscribe for twenty-five copies of some weekly newspaper publishing the proceedings of the Legislature, being under consideration at the time of adjournment, and the question being on the amendment offered by Mr. Biddle, Mr. James, of Wyandotte, moved to lay the whole subject on the table.

The motion prevailed.

House concurrent resolution No. 3, in relation to the requirements of the law requiring railroad companies of the State to keep their general offices in the State, was read.

Mr. Anderson, of Shawnee, moved that the resolution be referred to the Committee on Railroads.

Mr. Legate moved its reference to the Committee on Judiciary.

Amendment adopted, and the resolution was so referred to the Committee on Judiciary.

House concurrent resolution No. 6, providing ten dollars worth of postage stamps for each member and Senator, was read.

Mr. Walker offered the following amendment:

*Resolved*, That the Sergeant-at-Arms furnish each member with five dollars worth of postage stamps, each member to receipt to the Sergeant for the amount he so receives.

(Declared out of order.)

Mr. Sallee moved to indefinitely postpone the further consideration of the resolution, which motion did not prevail.

Mr. Biddle moved to strike out the word "ten" dollars, and insert "five" dollars worth of stamps, which motion prevailed.

The question being on the adoption of the resolution as amended, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 119. Majority under the rule, 60. Yeas, 62; nays, 57.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Gable (Thos. P.), Gillespie,



Hartshorne, Huffaker, Humes, James of Shawnee, Keller, Kennedy, Kollock, Lawson, Manning, Martin of Kingman, McClin-tick, McKay, Miller, Price, Prunty, Randolph, Richards, Robb, Seaton, Shaw, Stumbaugh, Tucker, Waite of Pawnee, Walker, White, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Beaty, Blanchard, Butts, Callen, Clark, Cunningham, Eastland, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Wyandotte, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, McMillen, Moore, Morgan, Myers, Parsons, Rath, Raybell, Rice, Riggs, Rood, Sallee, Scott, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Watson, Willey, and Woodard.

Gentlemen absent or not voting were: Messrs. Farris, Faulkner, Fisler, Gable (Frank M.), Hossack, Kelly, Selover, Smith of Bourbon, and Speaker Clarke.

The resolution was adopted.

House concurrent resolution No. 7, in relation to the annexation of Kansas City, Missouri, to Kansas, was read, and upon motion of Mr. Armstrong, of Wyandotte, its consideration was indefinitely postponed.

House concurrent resolution No. 8, referring to the subject of the revision of the laws of Kansas, was made a special order for 4 P. M.

House concurrent resolution No. 9, congratulating Secretary Sherman and the country upon the safe return to specie payments, was read.

Mr. Humes moved the reference of the resolution to the Committee on Federal Relations.

Mr. Blackman moved that the resolution be laid upon the table, upon which the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 116. Majority under the rule, 59. Yeas, 54; nays, 62. Absent or not voting, 13.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Baker, Barber, Barrackman, Berry, Bevins, Bishop, Blackman, Blanchard, Brinkman, Bronson, Brown, Butts,



Congdon, Cool, Cunningham, Danhaur, Donahue, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Helmick, Henderson, Hewins, James of Wyandotte, Leonard, Majors, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Sallee, Scott, Stewart, Tallman, Wait of Linn, Watson, Willey, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Biddle, Bissell, Boggs, Bower, Breyfogle, Briggs, Bruner, Bull, Calvin, Clapp, Clark, Clogston, Corbin, Eastland, Eckles, Eggers, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hodge, Huffaker, Humes, James of Shawnee, Keller, Kennedy, Kollock, Lawson, Legate, Loy, Martin of Kingman, McCrumb, Myers, Price, Raybell, Rice, Richards, Robb, Rood, Seaton, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Beaty, Callen, Ewing, Farris, Fisler, Hossack, Hutchison, Kelly, Manning, Selover, Smith of Bourbon, White, and Wright.

So the motion to lay on the table did not prevail.

Mr. Legate moved the previous question.

The question being, Shall the main question be now put? the motion did not prevail.

The question being on the motion to refer to the Committee on Federal Relations, the motion did not prevail.

The question recurring on the motion to adopt the resolution, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 121. Majority under the rules, 61. Yeas, 72; nays, 49. Absent or not voting, 8.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Biddle, Bishop, Bissell, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Calvin, Clark, Clogston, Congdon, Danhaur, Eastland, Eckles, Eggers, Faulkner, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Hodge, Huffaker, Humes, James of Shaw-

nee, Keller, Kennedy, Kollock, Lawson, Legate, Loy, Manning, Martin of Kingman, McCrumb, Miller, Moore, Myers, Price, Randolph, Raybell, Rice, Richards, Robb, Seaton, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Baker, Barrackman, Beaty, Berry, Bevins, Blackman, Blanchard, Brinkman, Butts, Clapp, Cool, Corbin, Cunningham, Donahue, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, Hutchison, James of Wyandotte, Leonard, Majors, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Morgan, Parsons, Prunty, Rath, Riggs, Rood, Sallee, Scott, Stewart, Tallman, Wait of Linn, Watson, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Callen, Farris, Fisler, Hossack, Kelly, Selover, Smith of Bourbon, and Wright.

And so the resolution was adopted.

House concurrent resolution No. 11, in relation to amendments to the constitution, was read, and on motion adopted.

House concurrent resolution No. 12, in relation to the appointment of a joint committee to visit the Insane Asylum at Osawatomie, was read, and on motion of Mr. Biddle was laid upon the table.

Senate concurrent resolution No. 10, requiring the commissioners to revise the laws of Kansas to report to the Governor their action, was taken up, and on motion was concurred in.

#### CLERK OF WAYS AND MEANS COMMITTEE.

Upon the following recommendation, Speaker Clarke appointed Geo. M. Huffaker as clerk of the Committee on Ways and Means:

MR. SPEAKER: Your Committee on Ways and Means respectfully recommend the appointment of Geo. M. Huffaker as clerk of this committee.

(Signed) C. E. FAULKNER, *Chairman.*

Mr. Huffaker came forward, and subscribed to the following oath:

I do solemnly swear that I will support the constitution of the

United States, the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Ways and Means of the Kansas House of Representatives. So help me God.

(Signed) GEO. M. HUFFAKER.

Sworn and subscribed to before me, this 23d day of January, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 14, in relation to printing 400 copies of the Rules, was read, and on motion adopted.

House concurrent resolution No. 15, authorizing the Secretary of State to provide suitable rooms for use of Engrossing and Enrolling Clerks, was read, and on motion of Mr. Hodge was adopted.

House concurrent resolution No. 16, providing for publishing the Governor's message in German and Swedish languages, was read.

Mr. Eckles moved to strike out the words "one thousand and five hundred" and "one thousand," and insert in each the words "five hundred" copies.

Mr. Humes moved as an amendment that three hundred copies be printed in the French language.

The amendment did not prevail.

Mr. Moore moved that two hundred copies be printed in the Bohemian language.

The amendment did not prevail.

Mr. Legate moved that one hundred copies be printed in the Irish language.

Mr. Humes moved that the resolution with amendments lie on the table, which motion prevailed.

#### MESSAGE FROM THE SENATE.

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 7, An act making appropriations to furnish the Topeka Insane Asylum, and to provide for the current expenses during the fractional year, and has now concurred in House concurrent resolution No. 4, in reference to printing four hundred extra copies of the Governor's message.

HENRY BRANDLEY, *Secretary.*

The following resolution was read, and on motion referred to the Committee on Temperance:

*Whereas*, The Supreme Court has decided that polygamy is a crime, which is, as we believe, the death-knell of this barbarous curse, and all good people rejoice at the returning signs of morals and good government; and

*Whereas*, Mormonism was and is a great crime, but it affects only one Territory of the Union, and that only partially, while the great crime of intemperance affects the whole nation, destroying sixty thousand lives and seven hundred millions of dollars in property each year; and

*Whereas*, Believing that governments have the right to protect themselves against crime of every description, and that by treating alcohol in its various forms and its effects as it has Mormonism, it will have achieved a much greater good to the people of the country; and

*Whereas*, The sixty-five millions of dollars of revenue to the Government for the privilege of sale of the poisonous drug to the citizens of our nation is no equivalent for the sixty thousand lives annually destroyed, with thirty millions of dollars in earnings each year, besides the woe, destitution and crime which the traffic brings; and

*Whereas*, We believe it the duty of the State, as well as the National Government, to treat this as all other great crimes: therefore,

*Resolved*, That the Committee on Temperance be requested to fully examine the statutes of the State with reference to needed legislation on this subject, and report to this House at its earliest convenience, by bill or otherwise.

The following resolution was taken up, and read:

*Whereas*, It appears from evidence that cannot be doubted, that in certain parts of the Southern States, and particularly in Louisiana and South Carolina, the rights of American citizens to vote freely and untrammelled, to discuss the political questions of the country unmolested, and to express opinions on political subjects, have been denied them; that to accomplish this great injustice to certain citizens, a system of organized crime, brutality and murder has been inaugurated which is atrocious and merciless, and is repugnant to every principle of republican government; that the citizen, to protect his rights in this respect, dare



not raise his hand nor arm himself, being assured that any act of his in this respect will cause his arrest, imprisonment, conviction and punishment upon the testimony of his lawless persecutors, through the venality of courts and juries, and to satisfy a prevailing corrupt opinion in other sections of our country which uphold the iniquities and crimes recited herein; and

*Whereas*, The crimes enumerated herein are protected and upheld by the leaders of the Southern Democracy, and are defended by so-called respectable Democratic leaders in the Northern States, to the end that the constitutional provisions adopted as the fruits and results of the late Rebellion may be annulled, and that the upholders of this iniquity, North and South, may obtain possession and control of this Government, and make useless the great principles in our fundamental law, which were supposed to be settled by the war, and secure by such possession of the Government what they failed to obtain by the war; and

*Whereas*, All systems of conciliation and peace have been spurned, and the magnanimity of the nation toward the late rebels has been treated with contempt: therefore, be it

*Resolved*, That we will and do regard this issue of the rights of citizens in our common country as of the first importance in state and nation, and bind ourselves to work for a solid North against a solid South, upon the issue thus presented to us by an unreconstructed solid South, until in all this land, from north to south, and from sea to sea, each citizen of our common country can, without fear or molestation, entertain and freely express such opinions on political subjects as he may desire, and fully and freely exercise all his political rights guaranteed by the constitution.

Mr. Biddle moved the previous question.

The question being, Shall the main question be now put? the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 114. Majority under the rule, 58. Yeas, 82; nays, 32. Absent or not voting, 15.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles,



Eggers, Faulkner, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Hodge, Huffaker, Humes, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Loy, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Randolph, Raybell, Rice, Richards, Robb, Seaton, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Beaty, Berry, Blanchard, Brinkman, Butts, Ellison, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, Hutchison, James of Wyandotte, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McMillen, Parsons, Prunty, Rath, Riggs, Rood, Sallee, Scott, Tallman, Wait of Linn, and Watson.

Gentlemen absent or not voting were: Messrs. Alexander, Calen, Donahue, Ewing, Farris, Fisler, Hossack, Leonard, Manning, Martin of Kingman, Selover, Smith of Bourbon, Taylor, Woodard, and Wright.

The resolution was adopted.

Ordered, that the Chief Clerk inform the Senate thereof.

By consent, Mr. Riggs offered the following amendment to rule 30 of the Rules of the House: Add to rule 30 the following words:

"Any member may, on the calling of his name on the passage of any bill or the adoption of any resolution, when the yeas and nays are being taken, explain his vote; but he shall not be allowed for such explanation more than five minutes."

Mr. Riggs moved that the rules be suspended, and that the amendment be considered now.

The motion prevailed.

Mr. Lawson moved, as an amendment, to strike out "five" minutes, and insert "two" minutes, which motion did not prevail.

The question then being on the adoption of the amendment, the rule was so amended.

By consent, leave of absence was granted Mr. Donahue, Assistant Doorkeeper, until next Monday.

On motion, the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## NINTH DAY.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 24, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Thos. P.), Games, Gilmore, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Humes, James of Shawnee, Keller, Kennedy, Kollock, Lawson, Legate, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Bevins, Bishop, Breyfogle, Briggs, Brinkman, Brown, Bruner, Farris, Gable (Frank M.), Godfrey, Gillespie, Hamilton of Marshall, Henderson, Hossack, Hutchison, James of Wyandotte, Kelly, Leonard, Majors, McClintick, Raybell, Rice, Richards, Shaw, Smith of Bourbon, Stumbaugh, Wait of Lincoln, Woodard, and Wright.

Quorum present.

On motion, leave of absence was granted Messrs. Price and Riggs until next Monday.

On motion, Mr. Seaton was granted leave of absence indefinitely, on account of sickness.

The Speaker made the following announcements to the House:

By authority vested in me, I hereby appoint Miss Lola Bell, of Douglas county, First Assistant Enrolling Clerk of the House.

SIDNEY CLARKE, *Speaker*.

Miss Bell appeared, and subscribed to the following oath of office, which was duly administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of First Assistant Enrolling Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) LOLA BELL.

Sworn and subscribed to before me, this 15th day of January, A. D. 1879.

SIDNEY CLARKE,  
*Speaker House of Representatives.*

I also appoint Mrs. A. G. Brown as First Assistant Engrossing Clerk of the House.

SIDNEY CLARKE, *Speaker*.

Mrs. Brown appeared, and subscribed to the following oath of office, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of First Assistant Engrossing Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) MRS. A. G. BROWN.

Sworn and subscribed to before me, this 23d day of January, 1879.

SIDNEY CLARKE,  
*Speaker of the House of Representatives.*

On motion, leave of absence was granted Mr. Brinkman until Monday next.

By unanimous consent, Mr. Alexander offered the following resolution:

*Resolved*, That J. F. Burris, who has been acting as mail carrier and Assistant Postmaster of the House, be and he is hereby appointed to that position.

On motion, the rules were suspended, and the resolution was adopted.

## PRESENTATION OF PETITIONS.

By Mr. Faulkner: Citizens of Saline county, praying for the passage of a law in relation to the subject of temperance. Referred to Committee on Temperance.

By Mr. Stewart: Providing for change in State road. Referred to Committee on Roads and Highways.

By Mr. Tucker: In reference to school-district matters. Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

The following bills were introduced, and read a first time:

By Mr. Robb: House bill No. 97, An act regulating the interest on money, and providing penalties for violation.

By Mr. Hodge: House bill No. 98, An act to amend the laws of 1876 in relation to the regulation and support of common schools.

By Mr. Blanchard: House bill No. 99, An act regulating the interest on money, and repealing all laws in conflict therewith.

By Mr. Willey: House bill No. 100, An act to create the Sixteenth Judicial District, to provide a judge thereof, and for holding terms of court therein.

By Mr. Ewing: House bill No. 101, An act fixing the terms of the district court in the Ninth Judicial District.

By Mr. Stewart: House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof.

By Mr. Martin, of Kingman: House bill No. 103, An act to amend an act entitled "An act to amend an act relating to townships and township officers."

By Mr. Bruner: House bill No. 104, An act to enable Johnson county to take up and cancel the bonds of said county heretofore issued to the Kansas & Neosho Valley Railroad Company and St. Louis, Lawrence & Denver Railroad Company, by issuing bonds in lieu thereof.

By Mr. Riggs: House bill No. 105, An act to authorize cities of the second class to surrender their charters and organize towns.

By Mr. Ballard: House bill No. 106, An act for the relief of Hubert Nodean, and to authorize the Clerk of Washington county to issue a new certificate for school land.

By Mr. Keller: House bill No. 107, An act to amend section 78 of chapter 60 of Laws of 1871, being an act to provide for the organization of cities of the third class.

By Mr. Prunty: House bill No. 108, An act to amend section 1 of an act approved March 6, 1877, entitled "An act authorizing a bounty upon wolf, wild-cat, fox and rabbit scalps."

By Mr. Fisler: House bill No. 109, An act to amend an act declaring section lines in several counties public highways, approved February 26, 1877, and amended by an act approved March 3, 1878.

#### SECOND READING OF BILLS.

The following bills were read a second time, and referred to committees, as follows:

##### *To the Committee on Temperance:*

House bill No. 86, An act to amend section 11 of chapter 35 of the Statutes of 1868, regulating the sale of intoxicating liquors.

##### *To the Committee on Roads and Highways:*

House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, Kansas.

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

##### *To the Committee on Judiciary:*

House bill No. 89, An act conferring the rights of majority on William H. Hutchinson, a minor.

House bill No. 90, An act to repeal section 8 of an act entitled "An act for the encouragement of agriculture," of chapter 37 of the Session Laws of 1872.

House bill No. 92, An act to enable Theodore Juelke to exercise the rights of majority.

House bill No. 94, An act to amend section 73 of chapter 36 of the General Statutes of 1868, entitled "An act to regulate elections."

House bill No. 95, An act to legalize the levy of taxes made in the year A. D. 1878 in the city of Great Bend, Barton county, Kansas, a city of the third class, to pay the Brinkman judgment, and the levy of taxes made in said city in said year to pay the Wilder judgment.



House bill No. 96, An act to enable Henry Bell to exercise the rights of majority.

*To the Committee on Public Buildings and Grounds:*

House bill No. 91, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose.

*To the Committee on Criminal Jurisprudence:*

House bill No. 93, An act to amend section 27 of chapter 83 of the General Statutes of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in case of misdemeanor."

*To the Committee on Ways and Means:*

Substitute for Senate bill No. 7, An act making appropriations to furnish the Topeka Insane Asylum, and to provide for the current expenses thereof during the fractional portion of the fiscal year ending June 30, 1879.

REPORTS FROM STANDING COMMITTEES:

Mr. Riggs, chairman of the Judiciary Committee, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 2, An act conferring the right of majority on Robert J. Weisback, minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Neosho county, Kansas," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 25, An act to regulate the practice of medicine in the State of Kansas, have had the same under con-

sideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 39, An act conferring the right of majority on James P. Cramer, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

#### MAJORITY REPORT.

MR. SPEAKER: A majority of your Committee on Judiciary, to whom was referred House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be amended by adding the following as Section No. 17 of the bill, and that it be passed as so amended:

“SEC. 17. Every person who shall wilfully and corruptly swear, testify or affirm falsely to any material matter upon any oath or affirmation or declaration, legally administered in any matter or proceeding before said board of examiners or either them, under the provisions of this act, shall be deemed guilty of perjury.”

S. A. RIGGS, *Chairman*.

Mr. Humes, of the Judiciary Committee, presented the following:

#### MINORITY REPORT ON HOUSE BILL NO. 60.

MR. SPEAKER: A minority of your Committee on Judiciary, to whom was referred House bill No. 60, An act regulating the practice of medicine in the State of Kansas, have had the same

under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

T. J. HUMES, *of the minority.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 66, An act to amend section 321 of the code of civil procedure, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 67, An act to amend section 315 of the code of civil procedure, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with the following amendment: Insert "W. P. Ewing" in the title and first section of the bill after the name "Taylor Brown."

S. A. RIGGS, *Chairman.*

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following reports:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salary of county treasurers," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman.*

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman.*

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 15, An act regulating the salaries of County Clerk and County Treasurer of Osborne county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman.*

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman.*

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House joint resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, have had the same under consideration, and instruct me to report the same back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman.*

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following report:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 21, An act making appropriation for the purpose of paying the fees of Registers and Receivers of United States land offices, for the final location of lands granted to the State of Kansas by the United States as indemnity school lands, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman.*

Mr. Hamilton, of Marshall, chairman of the Committee on Finance, submitted the following report:

MR. SPEAKER: Your Committee on Finance, to whom was referred House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877, have

had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

HAMILTON, of Marshall, *Chairman*.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following report:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 23, An act defining the boundaries of Barton and Pratt counties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

W. C. BUTTS, *Chairman*.

Mr. Kennedy, chairman of the Committee on Elections, submitted the following report:

MR. SPEAKER: Your Committee on Elections met and organized, and after opening the papers in the cases of contest, and examining the papers of the same, would respectfully ask permission to employ a clerk during the pendency of said contests; and also submit the following resolution:

*Resolved*, That the Committee on Elections be hereby empowered to send to Montgomery county for persons and papers to be used as testimony in the contest case of Hafer vs. Rood.

J. B. KENNEDY, *Chairman*.

On motion, the resolution was adopted.

Mr. Legate moved that the rules be suspended, for the purpose of considering House bill No. 21, An act making appropriation for the purpose of paying the fees of Registers and Receivers of United States land offices, for the final location of lands granted to the State of Kansas by the United States as indemnity school lands.

The motion prevailed, and the bill was read a second time.

Mr. Legate moved that the bill be considered engrossed, and ordered to a third reading now, which motion prevailed; whereupon the bill was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 108. Constitutional majority, 65. Yeas, 108; nays, 0.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Blackman, Blan-



chard, Boggs, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bishop, Bissell, Briggs, Brinkman, Donahue, Farris, Gilmore, Greever, Greiffenstein, Hankins, James of Wyandotte, Manning, Price, Rice, Richards, Sallee, Seaton, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered, that the Chief Clerk inform the Senate thereof.

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 18, in relation to collection of claims against railroad companies in the hands of receivers, was read, and referred to the Committee on Judiciary.

House concurrent resolution No. 19, relating to the Osage-trust lands, was adopted.

House resolution, offered on a previous day by Mr. Cunningham, in relation to public lands, was read, and on motion adopted.

The House resolution offered by Mr. Gilmore, changing the hours of meeting to 10 o'clock A. M. and 2 o'clock P. M., was taken up, and on motion of Mr. Legate postponed until Tuesday, February 4th.

On motion of Mr. Biddle, the consideration of House joint

resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, was postponed one day, the resolution retaining its place on the calendar.

Mr. Legate moved that the Committee on Railroads be discharged from the further consideration of House concurrent resolution No. 1, in relation to rates of freight and passenger tariff on railroads, and that said committee be instructed to report it to the House.

Mr. Blackman moved to lay the motion on the table, which motion prevailed.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed House bill No. 45, An act making appropriations for legislative expenses.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate concurrent resolution No. 3, creating a joint committee on the revision of the laws. Committee on the part of the Senate: Senators Hallowell, Johnson, Benedict, Kirk, and Gillpatrick.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Greever, the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## T E N T H   D A Y .

## MORNING SESSION.

HALL OF HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, January 25, 1879. }

House called to order ; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Bevins, Biddle, Blackman, Blanchard, Boggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hosack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Rood, Sallee, Scott, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Barrackman, Berry, Bishop, Bissell, Bower, Breyfogle, Briggs, Bruner, Clark, Corbin, Farris, Greever, Hamilton of Marshall, Henderson, Kelly, Kennedy, Kollock, Legate, Manning, McClintick, Morgan, Price, Rice, Richards, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stumbaugh, Towle, Watson, and Wright.

Quorum present.

Pending the reading of the journal, on motion, the further reading of the journal of yesterday was dispensed with.

On motion, leave of absence was granted Messrs. Barrackman, Corbin, Thos. P. Gable, Henderson, Robb, Towle, Bower, and Berry.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has concurred in House concurrent resolution No. 15, authorizing the Secretary of State to provide suitable rooms for the use of the Enrolling and Engrossing Clerks of the House and Senate.

HENRY BRANDLEY, *Secretary*.

By unanimous consent, leave of absence was granted Mr. Stumbaugh, on account of sickness.

## ENROLLING COMMITTEE'S REPORT.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 45, An act making appropriation for legislative expenses, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

By consent, Mr. Taylor offered the following resolution:

*Resolved*, That the Committee on Engrossed Bills be allowed a clerk.

Mr. Taylor moved to suspend the rules for the consideration of the resolution, which motion prevailed.

The question being upon the adoption of the resolution, Mr. Smith, of Marshall, moved to lay the resolution on the table, which motion prevailed.

By consent, leave of absence was granted Messrs. Butts, Kelly, and Watson, until Monday next.

By consent, Mr. Kelly, chairman of the Committee on Elections, offered the following resolution, and moved its adoption:

*Resolved*, That the Committee on Elections be empowered to send for persons and papers in the case of Allen vs. Rood, now pending before said committee.

The resolution was adopted.

## SPECIAL MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and read :

TO THE LEGISLATURE: I herewith transmit a supplemental report of the Fish Commissioner, and respectfully ask that the same may be duly considered by you.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,

TOPEKA, KAS., January 25, 1879.

*To his Excellency John P. St. John, Governor of Kansas—*  
SIR: I have the honor to make an additional report as Commissioner of Fisheries, showing the number of fish deposited in our streams during the month of December, 1878.

I procured and deposited 100,000 California salmon. The impregnated spawn from which they were hatched was collected by the United States Fish Commissioner, in the month of September, from salmon in the McCloud river, California.

They were shipped on the 2d of October, and placed in the hatching boxes in Shaw & Co.'s fish hatchery, near Cedar Rapids, Iowa, October 13th, where they were successfully hatched. About 95 per cent. hatched out, and became healthy, strong fry. I transferred them from the hatching-house, December 2d, to Atchison, receiving from the different roads free transportation on express trains. Considering the great bulk, (ten 20-gallon cans, making 2,000 pounds weight,) I must gratefully acknowledge the generous action of the Iowa railroads, as well as those of our own State.

At Atchison, I was met by Col. G. A. A. Dean, and Hon. A. B. Bradish, to whom I turned over 30,000 fry, to be deposited as follows:

In Stranger creek.....	2,500
In Independence creek.....	2,500
In the Delaware, at Muscotah.....	1,000
In the Red Vermillion, at Centralia.....	2,000
In Spring creek, at Wetmore.....	1,000
In Mill creek, at Washington.....	1,000
In the Black Vermillion, at Frankfort.....	2,000
In Clear and South Forks, at Barrett's.....	1,000
In the Big Blue, at Blue Rapids.....	5,000
In the Little Blue, at Waterville.....	2,000
In the Republican, at Concordia.....	5,000
In the Solomon, at Beloit.....	5,000



The following deposits I made in person:

In the Delaware, at Valley Falls.....	2,000
In the Soldier, near North Topeka.....	1,000
In Silver Lake.....	500
In the Vermillion, near Wamego.....	2,500
In the Big Blue, at Manhattan.....	5,000
In the Republican, near Junction City.....	3,000
In Chapman's creek.....	2,000
In the Solomon, near Solomon City.....	2,000
In the Saline, near Salina.....	3,000
In Spring creek, at Brookville.....	1,000
In the Smoky Hill river, at Ellsworth.....	5,000
In Big creek, at Hays .....	5,000
In Big creek, at Ellis.....	5,000

I had previously arranged with Mr. E. A. Thompson, of Hutchinson, to meet me at Atchison, and take charge of the fish to be distributed along the line of the Atchison, Topeka & Santa Fé road. On account of sickness, Mr. Thompson failed to meet me; but Mr. Ricksecker, of the same place, took charge of them at Topeka, with written instructions to make deposits as follows:

In the Wakarusa.....	2,000
In the Marais des Cygnes .....	2,500
In the Neosho, at Emporia.....	5,000
In the Little Arkansas, at Halstead.....	2,500
In Lake View, McPherson county.....	2,500
In Lake Farland, McPherson county.....	2,000
In Cow creek, at Hutchinson .....	2,000
In the Walnut, at Great Bend.....	3,000
In the Pawnee, at Larned.....	5,000

With instructions to send, by a responsible party, if possible, on the branch road to Eldorado, 3,000, to be put in the Walnut.

The fish deposited by myself, and those turned over to other parties, were in a healthy condition, having met with success in making connections and obtaining ice and water. With constant care and watchfulness, I succeeded in keeping the temperature of the water below 50°, and the water supplied with oxygen sufficient to keep them at the bottom of the cans.

Our streams in the southeastern portion of the State are to be stocked with fish by the Fish Commissioner of Missouri, which arrangement has been made with the Missouri Commissioner.

The handling of the young fry requires experience, prompt-

ness, and the greatest watchfulness and care, as they will not bear shipping like general merchandise.

With confidence in the ultimate results of this enterprise, I am,  
 very respectfully, your obedient servant,      D. B. LONG,  
*Commissioner.*

The Speaker made the following announcement:

By authority vested in me by resolution, I hereby appoint Miss Kate Boreland, of Leavenworth county, as Second Assistant Enrolling Clerk of the House of Representatives.

(Signed)      SIDNEY CLARKE, *Speaker.*

STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Second Assistant Enrolling Clerk of the House of Representatives of the State of Kansas. So help me God.      (Signed)      KATE BORELAND.

Sworn and subscribed to before me, this 25th day of January, 1879.  
SIDNEY CLARKE,  
*Speaker of the House of Representatives.*

Upon the recommendation of the Committee on Elections, I hereby appoint Ed. Hoveson, of Doniphan county, as clerk of the Committee on Elections.

(Signed)      SIDNEY CLARKE, *Speaker.*

STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Elections of the House of Representatives. So help me God.

(Signed)      EDWARD HOVESON.

Sworn and subscribed to before me, this 25th day of January, 1879.  
SIDNEY CLARKE,  
*Speaker of the House of Representatives.*

By consent, Mr. Hamilton, of Marshall, offered House concurrent resolution No. 20, memorializing Congress to repeal the

limited silver-coinage law of Congress, and for the repeal of the national banking law.

Laid over under the rules.

Mr. Biddle moved that the House adjourn, upon which the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 76. Majority under the rule, 39. Yeas, 24; nays, 52. Absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Ballard, Barber, Beaty, Biddle, Blackman, Brown, Bruner, Calvin, Clogston, Cunningham, Danhaur, Eggers, Hamilton of Norton, Helmick, Hodge, Huffaker, Lawson, McKay, Moore, Randolph, Rath, and Scott.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Bishop, Bissell, Boggs, Bull, Callen, Cool, Donahue, Eastland, Ellison, Ewing, Games, Gillespie, Gilmore, Hall, Hamilton of Marshall, Hartshorne, Hankins, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Kollock, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Myers, Prunty, Raybell, Rood, Sallee, Smith of Marshall, Spilman, Taylor, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Berry, Bevins, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Butts, Clapp, Clark, Congdon, Corbin, Eckles, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Henderson, Hewins, Hossack, Keller, Kelly, Majors, Miller, Morgan, Parsons, Price, Rice, Richards, Riggs, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Towle, Walker, Watson, White, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

And so the motion to adjourn did not prevail.

Mr. Callen moved that the House adjourn until Monday next, at 3 o'clock P. M., and thereon moved the previous question.

The question being, Shall the main question be now put? the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 85. Majority under the rule, 43. Yeas, 44; nays, 41. Absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Baker, Ballard, Barber, Beaty, Blackman, Blanchard, Brown, Bull, Callen, Calvin, Clogston, Cool, Eggers, Ellison, Faulkner, Fisler, Games, Gilmore, Greiffenstein, Hankins, Helmick, Hewins, Hodge, Huffaker, James of Shawnee, Kennedy, Kollock, Leonard, Martin of Labette, Martin of Miami, McCrumb, Myers, Randolph, Rath, Raybell, Sallee, Taylor, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Biddle, Bishop, Bissell, Boggs, Bruner, Clark, Cunningham, Danhaur, Eastland, Eckles, Ewing, Gillespie, Hall, Hamilton of Marshall, Harts-horne, Humes, Hutchison, James of Wyandotte, Keller, Lawson, Legate, Loy, Manning, Martin of Kingman, McClintick, McKay, McMillen, Moore, Prunty, Rood, Scott, Smith of Marshall, Tallman, Tucker, Wait of Lincoln, Wait of Linn, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Berry, Bevins, Bower, Breyfogle, Briggs, Brinkman, Bronson, Butts, Clapp, Congdon, Corbin, Donahue, Farris, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Henderson, Hossack, Hamilton of Norton, Kelly, Majors, Miller, Morgan, Parsons, Price, Rice, Richards, Riggs, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Towle, Watson, White, Woodard, and Wright.

And so the demand for the previous question was sustained.

The question then being on the motion to adjourn to the time named, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 85. Majority under the rule, 43. Yeas, 50; nays, 35. Absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Baker, Ballard, Beaty, Blackman, Boggs, Brown, Bruner, Bull, Callen, Calvin, Clogston, Eastland, Eckles, Eggers, Ellison, Faulkner, Fisler, Games, Gillespie, Gilmore, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, Kennedy, Kollock,



Leonard, Majors, Manning, McCrumb, Parsons, Randolph, Rath, Raybell, Sallee, Spilman, Tallman, Taylor, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Biddle, Bishop, Bissell, Clark, Cool, Cunningham, Danhaur, Ewing, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Humes, James of Wyandotte, Keller, Lawson, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McMillen, Myers, Prunty, Rood, Scott, Smith of Marshall, Tucker, Wait of Lincoln, Wait of Linn, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barber, Barrackman, Berry, Bevins, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Butts, Clapp, Congdon, Corbin, Donahue, Farris, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Henderson, Kelly, McKay, Miller, Moore, Morgan, Price, Rice, Richards, Riggs, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Towle, Watson, White, Woodard, and Wright.

So the motion prevailed, and the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

## ELEVENTH DAY.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 28, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by Rev. Mr. Bishop, of Salina.

Roll called. The following gentlemen present: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Dona-



hue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Cherokee, Bishop, Brinkman, Clapp, Clark, Hodge, Hossack, Keller, Price, Raybell, Rice, Walker, and Wilson of Jackson.

Quorum present.

On motion of Mr. Legate, the reading of the journal of yesterday was dispensed with.

By consent, Mr. Legate offered the following resolution:

*Resolved*, That at 2 o'clock P. M. of this day, the House proceed to vote for a Senator to represent this State in the United States Senate, for the term commencing on the 4th day of March, next.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 19, An act making an appropriation for expenditures made in the selection of indemnity school lands.

HENRY BRANDLEY, *Secretary*.

The Speaker announced the following appointment:

HOUSE OF REPRESENTATIVES, TOPEKA, Jan. 28, 1879.

By virtue of authority vested in me, I hereby appoint M. C. McLaughlin Second Assistant Engrossing Clerk of the House of Representatives.

SIDNEY CLARKE, *Speaker*.

Mr. McLaughlin came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States, and the constitution of the State of Kansas, and faithfully discharge the duties of Second Assistant Engrossing Clerk of the House of Representatives. So help me God.

(Signed) M. C. McLAUGHLIN.

Sworn and subscribed to before me, this 28th day of January, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### PRESENTATION OF PETITIONS.

By Mr. McKay: Of citizens of Elk township, Cloud county, Kansas, praying that the acts of the township officers of said Elk township be legalized. Referred to Committee on Judiciary.

By Mr. Wright: Of three hundred and ninety citizens of Ford county, Kansas, to the Senate and House of Representatives of Kansas, asking for a reduction of passenger fare and freight rates on the A. T. & S. F., and other railroads of this State, so as to compare with the same on Eastern railroads. Referred to Committee on Railroads.

By Mr. Wait, of Lincoln: Of B. F. Smith and others, praying for a prohibitory liquor law.

By Mr. McMillen: Of A. S. Baldwin and seventy-five others, in regard to regulating freights and tariff on railroads. Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. McKay: House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud, and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds.

By Mr. Lawson: House bill No. 133, An act to remove the disabilities from certain persons therein named.

By Mr. Hossack: House bill No. 134, An act to change the name of Frank Woodworth to Frank Hall.

By Mr. Watson: House bill No. 135, An act making an appropriation to rebuild the State Normal School buildings at Emporia.

By Mr. Morgan: House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds.

#### SECOND READING OF BILLS.

The following bills were read the second time, and referred to appropriate committees:

##### *To the Committee on Temperance:*

House bill No. 110, An act to amend chapter 35 of the General Statutes of 1868 of the State of Kansas, entitled "An act to restrain dram-shops and taverns, and to regulate the sale of intoxicating liquors."

##### *To the Committee on Judiciary:*

House bill No. 111, An act to vacate a part of Wakefield, Clay county, State of Kansas.

House bill No. 115, An act to enable William Barton Cooper and William S. Christerson to exercise the rights of majority.

House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith.

House bill No. 118, An act to confer the rights of majority on George A. Rogers, of Dickinson county, Kansas.

House bill No. 120, An act to enfranchise J. C. Byrd, and W. C. Adams.

House bill No. 122, An act to amend section 6 of chapter 38, General Statutes.

House bill No. 124, An act for the relief of G. H. McConnell.

House bill No. 126, An act relating to costs in actions for libel and slander.

House bill No. 130, An act to amend an act approved February 28, 1877, entitled "An act to amend section 1, chapter 133, Laws of 1876."

House bill No. 131, An act to amend section 1, chapter 104, Laws of 1872, entitled "An act to amend section 11 of article 3, chapter 23, of the General Statutes of 1868."

*To the Committee on Penitentiary:*

House bill No. 117, An act authorizing the employment of convict labor at the State Penitentiary, for the opening of coal mines on the Penitentiary grounds.

*To the Committee on Education:*

House bill No. 112, An act to amend an act for the regulation and support of common schools, approved March 4, A. D. 1876.

House bill No. 113, An act to amend section 6, chapter 122, of the Session Laws of 1876, being an act entitled "An act for the regulation and support of common schools."

House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879.

*To the Committee on Ways and Means:*

House bill No. 123, An act for the relief of Daniel B. Claibourne.

*To the Committee on Roads and Highways:*

House bill No. 114, An act to vacate a State road.

House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas.

House bill No. 129, An act to establish a State road in the counties of Edwards, Hodgeman, Ness and Ellis.

*To the Committee on County Lines and County Seats:*

House bill No. 127, An act to provide for the change of the boundary lines of organized counties.

*To the Committee on Municipal Corporations:*

House bill No. 121, An act to amend sections 77 and 82 of chapter 60 of Laws of 1871, it being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organizing of cities of the third class."

The rules were suspended, on motion of Mr. Ballard, and Senate bill No. 19, An act authorizing an appropriation for expenditures made in the selection of indemnity school lands, was read the second time.

Mr. Manning moved that the rules be suspended, and the bill be referred to the committee of the whole.

The motion was lost, and the bill was referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred concurrent resolution No. 3, An act in relation to the requirement under the law that railroads keep the general offices within the State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed. S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 69, An act to amend an act to authorize proceedings in justice courts against garnishees, chapter 163, Laws of 1872, providing the manner of service in certain cases, have had the same under consideration, and instruct me to report the bill back to the House, with the accompanying substitute, with the recommendation that the substitute be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 38, An act to authorize the board of county commissioners of the several counties, and the mayor and council of any city, and the board of education of any city, and the trustees of townships, or board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Municipal Indebtedness.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 4, An act fixing the time of holding the district court in Clay county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisalment,



have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 71, An act to amend an act entitled "An act concerning descents and distribution," approved March 2, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 103, An act to amend an act entitled "An act to amend an act entitled 'An act relating to townships and township officers,'" approved March 9, 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

Mr. Miller, chairman of Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 80 (with accompanying papers), An act providing for the payment of debt of any divided township for which an order has been issued, have had the same under consideration, and instruct me to report the following substitute for House bill No. 80, with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Frank M. Gable, chairman of Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county, have had the same under consideration,

and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 74, An act in relation to private roads, have had the same under consideration, and instruct me to report progress, and ask further time for consideration.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

#### FIRST BALLOT FOR U. S. SENATOR.

The hour for the special order having arrived, the House proceeded to ballot for United States Senator, with the following result:

John J. Ingalls received 47 votes.

George T. Anthony received 20 votes.

John R. Goodin received 20 votes.

D. P. Mitchell received 18 votes.

Benj. F. Simpson received 10 votes.

Wm. A. Phillips received 7 votes.

Wm. P. Campbell received 3 votes.

Samuel C. Pomeroy received 2 votes.

Albert H. Horton received 1 vote.

Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Cunningham, Danhaur, Eckles, Gillespie, Gilmore, Hartshorne, Hossack, James of Shawnee, Keller, Kollock, Lawson, Manning, Martin of Kingman, McCrumb, McKay, Myers, Price, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Eastland, Fidler, Hankins, Hodge, Legate, Loy, Miller, Randolph, Raybell, Spilman, Towle, Wait of Lincoln, Wright, and Speaker Clarke.

Representatives voting for Mr. Goodin were: Messrs. Beaty, Bevins, Brinkman, Butts, Corbin, Donahue, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Henderson, James of Wyandotte, Martin of Miami, Parsons, Prunty, Rath, Sallee, and Tallman.

Representatives voting for Mr. Mitchell were: Messrs. Baker, Berry, Blackman, Blanchard, Ellison, Hamilton of Marshall, Helmick, Hewins, Hutchison, Leonard, Majors, Martin of Labette, McMillen, Riggs, Rood, Scott, Wait of Linn, and Watson.

Gentlemen voting for Mr. Simpson were: Representatives Biddle, Eggers, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, Richards, and Selover.

Gentlemen voting for Mr. Phillips were: Representatives Bishop, Faulkner, Kennedy, McClintick, Moore, Morgan, and White.

Gentlemen voting for Mr. Campbell were: Representatives Congdon, Greiffenstein, and Taylor.

Representatives Callen and Stumbaugh voted for Mr. Pomeroy.

Representative Ballard voted for Mr. Horton.

Representative Rice did not vote.

On motion of Mr. Legate, the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

## T W E L F T H   D A Y .

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 29, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by Rev. Mr. Gilbert.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth,

Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Quorum present.

On motion of Mr. James, of Wyandotte, the reading of the journal of yesterday was dispensed with.

On motion of Mr. Biddle, the Chief Clerk was instructed to inform the Senate that the House is now ready to go into joint convention for the purpose of balloting for a United States Senator, whereupon the Senate was announced by the Sergeant-at-Arms of the House, and the following proceedings were had:

### JOINT CONVENTION.

The Legislature met in joint convention for the purpose of electing a United States Senator to succeed Hon. John J. Ingalls, from and after the 4th day of March, 1879.

HOUSE OF REPRESENTATIVES,	}
TOPEKA, KANSAS, January 29, 1879.	
12 o'clock M.	

This being the day designated by the Congress of the United States for the convening of the Legislature in joint assembly, for the purpose of electing a United States Senator, in accord-



ance with an act passed at the first session of the Thirty-ninth Congress, entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved July 25, 1866, the Senate and House of Representatives of the State of Kansas convened in joint assembly at 12 o'clock, meridian, for the purpose of electing a United States Senator for six years, in pursuance of said act of Congress.

Lieutenant Governor Humphrey, President of the Senate, called the joint convention to order.

The Secretary of the Senate called the roll of the Senate. The following-named Senators were present, and answered to their names: Messrs. Benedict, Bradbury, Bradley, Brown, Buchan, Carpenter, Evans, Finch, Finney, Gillett, Gillpatrick, Grass, Greene, Griffin, Guthrie, Hadley, Hallowell, Hamlin, Harris, Henry, Johnston, Kellogg, Kirk, Matthewson, Metsker, Morrill, Murdock, Myers, Nichols, Ping, Pyburn, Richey, Robinson, Savage, Sluss, Spurgeon, Taylor, Wells, Williams, and Woodworth.

Quorum present.

The roll of the House was called by the Chief Clerk. The following-named members were present, and answered to their names: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle,



Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Quorum present.

Mr. Legate offered the following resolution, which was adopted:

*Resolved*, That the following shall be the order of proceeding in voting for United States Senator in this joint convention: 1st. The roll of the Senate shall be called by the Secretary of the Senate; then the roll of the House shall be called by the Chief Clerk of the House. 2d. As each Senator or member's name is called, he shall arise in his place and distinctly pronounce the name of the candidate of his choice. 3d. To prevent confusion, no Senator or member shall be allowed to change his vote until the succeeding roll call.

Senator Benedict offered the following resolution, which was adopted:

*Resolved*, That the convention do now proceed without debate to vote for a United States Senator, to serve for six years from the 4th day of March, 1879.

There being a quorum of the joint convention present, the Secretary of the Senate and Chief Clerk of the House read their respective journals of yesterday relative to the election of United States Senator, and the clerks agreed in their tallies.

No person having received a majority of all the votes cast by the two houses, the joint convention proceeded to a ballot for a United States Senator.

#### FIRST BALLOT.

There being no nomination, the roll of the Senate was called, with the following result:

John J. Ingalls received 16 votes.

George T. Anthony received 6 votes.

Benjamin F. Simpson received 6 votes.

William A. Phillips received 4 votes.

John R. Goodin received 2 votes.

D. P. Mitchell received 2 votes.

W. P. Campbell received 2 votes.

A. H. Horton received 2 votes.

The roll of the House was called, with the following result:

Mr. Ingalls received 47 votes.

Mr. Anthony received 20 votes.

Mr. Simpson received 11 votes.

Mr. Phillips received 10 votes.

Mr. Goodin received 20 votes.

Mr. Mitchell received 16 votes.

Mr. Campbell received 2 votes.

Mr. Pomeroy received 2 votes.

Mr. Horton received 1 vote,

The total number of votes cast was as follows:

For Mr. Ingalls, 63 votes.

For Mr. Anthony, 26 votes.

For Mr. Simpson, 17 votes.

For Mr. Phillips, 14 votes.

For Mr. Goodin, 22 votes.

For Mr. Mitchell, 18 votes.

For Mr. Campbell, 4 votes.

For Mr. Horton, 3 votes.

For Mr. Pomeroy, 2 votes.

Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Griffin, Hallowell, Johnston, Kirk, Metsker, Murdock, Ping, Taylor, Williams, and Woodworth.

Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cunningham, Danhaur, Eckles, Gillespie, Gilmore, Hartshorne, James of Shawnee, Keller, Kollock, Lawson, Manning, Martin of Kingman, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Senators voting for Mr. Anthony were: Messrs. Bradley, Finney, Gillett, Gillpatrick, Harris, and Henry.

Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Eastland, Fisler, Hankins, Hodge, Hossack, Legate, Loy, Miller, Randolph, Raybell, Spilman, Waite of Lincoln, Wright, and Speaker Clarke.

Senators voting for Mr. Simpson were: Messrs. Bradbury, Brown, Green, Hadley, Kellogg, and Morrill.

Representatives voting for Mr. Simpson were: Messrs. Biddle,

Eggers, Games, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, McKay, Rice, and Selover.

Senators voting for Mr. Phillips were: Messrs. Evans, Richey, Savage, and Wells.

Representatives voting for Mr. Phillips were: Messrs. Bishop, Ellison, Faulkner, Hamilton of Marshall, Hutchison, Kennedy, McClintick, Moore, Morgan, and White.

Senators voting for Mr. Goodin were: Messrs. Matthewson and Pyburn.

Representatives voting for Mr. Goodin were: Messrs. Beaty, Bevins, Brinkman, Butts, Corbin, Donahue, Ewing, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Henderson, James of Wyandotte, Martin of Miami, Parsons, Prunty, Rath, Sallee, and Tallman.

Senators voting for Mr. Mitchell were: Messrs. Robinson and Surgeon.

Representatives voting for Mr. Mitchell were: Messrs. Baker, Barrackman, Berry, Blanchard, Farris, Helmick, Hewins, Leonard, Majors, Martin of Labette, McMillen, Riggs, Rood, Scott, Wait of Linn, and Watson.

Gentlemen voting for Mr. Campbell were: Senators Nichols and Sluss, and Representatives Congdon and Taylor.

Gentlemen voting for Mr. Horton were: Senators Guthrie and Myers, and Representative Ballard.

Gentlemen voting for Mr. Pomeroy were: Representatives Callen and Stumbaugh.

Whole number of votes cast, 169. Necessary to a choice, 85.

No person receiving a majority of all the votes cast, there was no election.

Mr. Legate moved that the joint convention do now adjourn until to-morrow at 12 o'clock M. The motion prevailed.

Mr. Smith, of Marshall, moved that the House do now adjourn. The motion did not prevail.

Mr. Legate moved that the House adjourn until to-morrow at 11:45 A. M. The motion prevailed, and the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## THIRTEENTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, January 30, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Bevins, Brown, Raybell, and Rice.

Quorum present.

On motion of Mr. Legate, the reading of the journal of yesterday was dispensed with.

Mr. Legate moved that the Speaker instruct the Sergeant-at-Arms to enforce the order that all visitors not seated sit back of

the members, and that he employ such force as may be necessary to enforce the order.

The motion prevailed.

Mr. Legate moved that the Clerk be instructed to inform the Senate that the House is in session, and is ready to receive the Senate in joint convention, for the purpose of electing a United States Senator.

The motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 12, An act relating to a special election held in Anderson county, September 14, 1871.

The Senate has also passed Senate bill No. 22, An act making an appropriation for deficiency in the contingent fund for the Executive office for the fiscal year ending June 30, 1877.

HENRY BRANDLEY, *Secretary*.

#### JOINT CONVENTION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, January 30, 1879. }  
12 o'clock M.

The Senate and House assembled in joint convention in pursuance of the law in such cases made and provided, for the election of a United States Senator; Lieutenant Governor Humphrey, President of the Senate, in the chair.

The roll of the Senate was called by the Secretary. The following-named Senators were present, and answered to their names: Messrs. Benedict, Bradbury, Bradley, Brown, Buchan, Carpenter, Evans, Finch, Finney, Gillett, Gillpatrick, Grass, Greene, Griffin, Guthrie, Hadley, Hallowell, Hamlin, Harris, Henry, Johnston, Kellogg, Kirk, Matthewson, Metsker, Meyers, Morrill, Murdock, Nichols, Ping, Pyburn, Richey, Robinson, Savage, Sluss, Spurgeon, Taylor, Wells, Williams, and Woodworth.

The roll of the House was called by the Chief Clerk. The following-named members were present, and answered to their names: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs,



Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Rice was absent.

Quorum present.

The Senate and House journals of yesterday were read and approved, the clerks agreeing in their tallies.

The President of the convention announced that no candidate having received a majority of all the votes cast, there was no election, and the convention proceeded to a

#### SECOND BALLOT.

The roll of the Senate was called, with the following result:

Mr. Ingalls received 17 votes.

Mr. Anthony received 5 votes.

Mr. Mitchell received 2 votes.

Mr. Simpson received 7 votes.

Mr. Goodin received 2 votes.

Mr. Phillips received 4 votes.

Mr. Horton received 2 votes.

Mr. Campbell received 1 vote.

The roll of the House was called, with the following result:

Mr. Ingalls received 55 votes.

Mr. Anthony received 20 votes.

Mr. Mitchell received 16 votes.

Mr. Simpson received 10 votes.

Mr. Goodin received 15 votes.

Mr. Phillips received 9 votes.

Mr. Pomeroy received 3 votes.

The total number of votes cast was as follows:

Mr. Ingalls received 72 votes.

Mr. Anthony received 25 votes.

Mr. Mitchell received 18 votes.

Mr. Simpson received 17 votes.

Mr. Goodin received 17 votes.

Mr. Phillips received 13 votes.

Mr. Pomeroy received 3 votes.

Mr. Houston received 2 votes.

Mr. Campbell received 1 vote.

Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Griffin, Hallowell, Hamlin, Johnston, Kirk, Metsker, Murdock, Ping, Sluss, Taylor, Williams, and Woodworth.

Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Greever, Hartshorne, Hankins, Hewins, Hossack, Hufaker, James of Shawnee, James of Wyandotte, Kollock, Lawson, Manning, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Senators voting for Mr. Anthony were: Messrs. Bradley, Finney, Gillett, Gillpatrick, and Henry.

Representatives voting for Mr. Anthony were: Messrs. Armstrong, Barber, Bissell, Bull, Clapp, Clogston, Congdon, Eastland, Fisler, Hodge, Legate, Loy, Miller, Randolph, Raybell, Spilman, Taylor, Wait of Lincoln, Wright, and Speaker Clarke.

Senators voting for Mr. Mitchell were: Messrs. Robinson and Spurgeon.

Representatives voting for Mr. Mitchell were: Messrs. Baker, Barrackman, Farris, Hamilton of Marshall, Helmick, Hutchi-

son, Leonard, Majors, Martin of Labette, McMillen, Rath, Riggs, Scott, Wait of Linn, and Watson.

Senators voting for Mr. Phillips were: Messrs. Grass, Richey, Savage, and Wells.

Representatives voting for Mr. Mitchell were: Messrs. Bishop, Ellison, Faulkner, Kennedy, McClintick, Moore, Morgan, White, and Woodard.

Senators voting for Mr. Simpson were: Messrs. Bradbury, Brown, Green, Hadley, Harris, Kellogg, and Morrill.

Representatives voting for Mr. Simpson were: Messrs. Biddle, Eggers, Games, Godfrey, Hamilton of Norton, Huffaker, Humes, Kelly, McKay, and Seaton.

Representatives voting for Pomeroy were: Messrs. Callen, Martin of Kingman, and Stumbaugh.

Senators voting for Mr. Horton were: Messrs. Guthrie, and Meyers.

Senator Nichols voted for Mr. Campbell.

Representative Rice was absent, and did not vote.

Whole number of votes cast, 168. Necessary to a choice, 85.

No person having received a majority of all the votes cast, there was no election.

Mr. Legate moved that the joint convention do now adjourn, upon which the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 73, nays, 55; absent, 1.

Senators voting in the affirmative were: Messrs. Bradbury, Bradley, Brown, Finney, Gillett, Gillpatrick, Grass, Guthrie, Hadley, Henry, Kellogg, Kirk, Morrill, Meyers, Nichols, Richey, Savage, and Wells.

Representatives voting in the affirmative were: Messrs. Anderson of Ellsworth, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Biddle, Bishop, Bissell, Blanchard, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon, Corbin, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Helmick, Henderson, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Rood, Sallee, Scott, Selover, Spilman,

Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, Wright, and Speaker Clarke.

Senators voting in the negative were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Greene, Griffin, Hallowell, Hamlin, Harris, Johnston, Matthewson, Metsker, Murdock, Ping, Pyburn, Robinson, Sluss, Spurgeon, Taylor, Williams, and Woodworth.

Representatives voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Ballard, Berry, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Greever, Hartshorne, Hankins, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Manning, Martin of Kingman, McCrumb, Myers, Price, Raybell, Richards, Robb, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Representatives absent or not voting were: Messrs. Games and Rice.

A majority having voted in the affirmative, the convention adjourned.

Whereupon the House was called to order, and on motion of Mr. Biddle, adjourned until 11:45 o'clock to-morrow.

WIRT W. WALTON, *Chief Clerk*.

---

## FOURTEENTH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, January 31, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by Rev. J. B. Smith, of Marshall county.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Bar-

rackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Quorum present.

On motion of Mr. Legate, the reading of the journal of yesterday was dispensed with.

On motion of Mr. Legate, the Chief Clerk was instructed to inform the Senate that the House is now ready to meet in joint convention, for the purpose of electing a United States Senator.

Whereupon the Senate and House met in joint convention, the following being the proceedings thereof:

### JOINT CONVENTION.

HALL OF THE HOUSE OF REPRESENTATIVES,	}
TOPEKA, KANSAS, Friday, January 31, 1879.	
12 o'clock M.	

The Senate and House assembled in joint convention.

The roll of the Senate was called by the Secretary. The following-named Senators were present, and answered to their names: Messrs. Benedict, Bradbury, Bradley, Brown, Buchan, Carpenter, Evans, Finch, Finney, Gillett, Gillpatrick, Grass, Greene, Griffin, Guthrie, Hadley, Hallowell, Hamlin, Harris, Henry, Johnston, Kellogg, Kirk, Matthewson, Metsker, Morrill,



Murdock, Meyers, Nichols, Ping, Pyburn, Richey, Robinson, Savage, Sluss, Spurgeon, Taylor, Wells, Williams, and Woodworth.

The roll of the House was called by the Chief Clerk. The following gentlemen were present, and answered to their names: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Quorum present.

On motion of Senator Hallowell, the reading of the journal of yesterday was dispensed with.

The president of the convention announced that, no candidate having received a majority of all the votes cast, there was no election; and the convention proceeded to a

### THIRD BALLOT.

The roll of the Senate was called, with the following result:

Mr. Ingalls received 22 votes.

Mr. Horton received 18 votes.

The roll of the House was called, with the following result:

Mr. Ingalls received 64 votes.

Mr. Horton received 62 votes.

Mr. Goodin received 2 votes.

Mr. Mitchell received 1 vote.

Senators voting for Mr. Ingalls were: Messrs. Benedict, Buchan, Carpenter, Finch, Grass, Greene, Griffin, Hallowell, Hamlin, Harris, Johnston, Kirk, Matthewson, Metsker, Morrill, Murdock, Ping, Pyburn, Robinson, Savage, Sluss, Taylor, and Woodworth.

Representatives voting for Mr. Ingalls were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Manning, McCrumb, Myers, Price, Richards, Robb, Rood, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Senators voting for Mr. Horton were: Messrs. Bradbury, Bradley, Brown, Evans, Finney, Gillett, Gillpatrick, Guthrie, Hadley, Henry, Kellogg, Morrill, Meyers, Nichols, Richey, Surgeon, Wells, and Williams.

Representatives voting for Mr. Horton were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thomas P.), Games, Greiffenstein, Hall, Hamilton of Norton, Helmick, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Legate, Loy, Majors, Martin of Kingman, Martin of Labette, McClin-tick, McKay, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting for Mr. Goodin were: Representatives Henderson, and Martin of Miami.

Representative McMillen voted for Mr. Mitchell.

Whole number of votes cast, 169.

Necessary to a choice, 85.

Mr. Ingalls received 86 votes.

Mr. Horton received 80 votes.

Mr. Goodin received 2 votes.

Mr. Mitchell received 1 vote.

Hon. John J. Ingalls having received a majority of all the votes cast, the President of the Convention declared him re-elected to the position of United States Senator from Kansas for a term of six years, ending March 4th, 1885.

Senator Hallowell moved that a committee of three Senators and two Representatives be appointed for the purpose of informing Mr. Ingalls of his election, and inviting him to address the joint convention.

The committee appointed consisted of Senators Hallowell, Morrill and Robinson, and Representatives Smith, of Marshall, and Humes.

The committee reported, accompanied by Mr. Ingalls, who being introduced by President Humphrey, and congratulated by Speaker Clarke, addressed the convention, as follows:

*Mr. Chairman, Senators and Representatives, and fellow-citizens of the State of Kansas:* I should assume an indifference which I did not feel, and of which I believe myself incapable, were I to pretend for a moment to be insensible to this most gratifying and kindly demonstration on the part of my fellow-citizens of the State of Kansas. After a most severe campaign, which has resulted in your action of to-day, I may be allowed to say to you that my feelings of thankfulness and gratitude are greater than I can express.

It has been my good fortune to serve the people of Kansas in a public capacity for the last six years, and during that period I have endeavored to demean myself that the citizens of Kansas need not be ashamed of my representation of her interests, and as at this time I may be allowed to renew the pledge that I gave six years ago, I again pledge my best efforts—even to the extent of my life, my fortune and my sacred honor—so to work that the best interests of Kansas will be best subserved.

I beg also to say that the conclusion of this campaign leaves no traces of bitterness or resentment toward any of my competitors. They were all honorable gentlemen, who had a perfect right to aspire to the place which they desired to fill, and I can only say that in the campaign just closed I feel no resentment.

no feelings of indifference towards anyone, nor a feeling of bitterness toward any member of this most august body.

And I most particularly desire to express the wish that we may at this time and henceforth, with one accord, devote ourselves to the glory of the State of which we are all so proud. I know you are all anxious to return to your homes, and I will close by again thanking you from the bottom of my heart for the honor that you have again this day bestowed upon me.

On motion of Senator Morrill, the joint convention dissolved.

Thereupon the House reassembled.

Mr. Biddle offered House concurrent resolution No. 23, adjourning the Legislature to Wednesday, February 5, at 3 o'clock P. M., which on motion was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 23, relating to adjournment.

H. BRANDLEY, *Secretary*.

#### CERTIFICATE OF ELECTION.

In accordance with the result of the proceedings of the joint convention for the election of a United States Senator, the President of the Senate and the Speaker of the House of Representatives subscribe the following certificate:

We do hereby certify, that the Senate and House of Representatives of the State of Kansas, in joint convention assembled, at Topeka, the capital of said State, did, after balloting from day to day, without making any choice, up to the first Friday after the fourth Tuesday in January, A. D. 1879, elect, on the said 31st day of January, A. D. 1879, Hon. John James Ingalls, of the county of Atchison, to be his own successor from the 4th day of March next to the 4th day of March, 1885, in pursuance of an act of Congress of the United States of America, in such cases made and provided.

LYMAN U. HUMPHREY,

*President of the Senate.*

Attest: HENRY BRANDLEY, *Secretary*.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

Attest: WIRT W. WALTON, *Chief Clerk*.



On motion, the House adjourned until 3 o'clock, Wednesday, February 5th, 1879, in pursuance of House concurrent resolution No. 23.

WIRT W. WALTON, *Chief Clerk.*

## FIFTEENTH DAY.

### MORNING SESSION.

HALL OF HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 5, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Beaty, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hewins, Hodge, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Absentees were: Messrs. Anderson of Cherokee, Barber, Berry, Boggs, Clapp, Clark, Cunningham, Danhaur, Farris, Greiffenstein, Hamilton of Marshall, Helmick, Hossack, Huffaker, Lawson, Majors, Price, Rice, Selover, Woodard, and Wright.

Quorum present.



On motion of Mr. Riggs, Messrs. Hamilton, of Marshall, and Barber were granted leave of absence until to-morrow.

By consent, Mr. Alexander offered the following resolution, and moved that the rules be suspended, and the resolution be adopted:

*Resolved*, That the use of the hall of the House of Representatives be granted to Gen. S. F. Carey, to deliver a free lecture on temperance, this (Wednesday) evening, February 5, 1879.

The resolution was adopted.

The journal of Friday, January, was read, and approved.

#### PRESENTATION OF PETITIONS.

The following petitions were presented:

By Mr. Hall: Petitions of J. R. Detwiler and 416 others, voters of Neosho county, in favor of a constitutional amendment prohibiting the manufacture of intoxicating liquors. Referred to Committee on Temperance.

By Mr. Callen: Petitions of Jesse Dover and 159 others, being four-fifths of the voters of the territory named, praying to get out of Dickinson county and into Davis. Referred to Committee on County Seats and County Lines.

By Mr. Taylor: Petition to amend the constitution in regard to the manufacture and sale of intoxicating liquors. Referred to Committee on Temperance.

By Mr. Blackman: Petition of L. H. Cook and 299 others, citizens of Leavenworth county, asking for the repeal of the dram-shop act, and for the passage of a law prohibiting the introduction and the sale and giving away of alcoholic drinks. Referred to Committee on Temperance.

By Mr. Robb: Petition of citizens of Peoria township, Franklin county, praying that the dram-shop act be amended so as to accord with the recommendation of Governor St. John in his late message. Referred to the Committee on Temperance.

By Mr. Riggs: Petition of Robert C. Mallon and 585 others, asking a reduction of freights and fares on railroads. Referred to the Committee on Railroads.

By Mr. Hodge: Petition of citizens of Dickinson county, protesting against any change of county lines. Referred to the Committee on County Seats and County Lines.

By Mr. Keller: Petition of citizens of Jackson county for re-

duction of freights and fares on railroads. Referred to the Committee on Railroads.

By Mr. Biddle: Petition of John H. Rice and 86 others, praying for an amendment to the dram-shop act. Referred to the Committee on Temperance.

Petition of H. F. Hayward and 49 others, praying for an appropriation to pay the Price raid claims. Referred to the Committee on Price Raid Claims.

By Mr. Loy: Petition of citizens of Miami county for an amendment to the dram-shop act. Referred to the Committee on Temperance.

By Mr. Sallee: Petitions praying for the passage of an act for the payment of the Price raid claims. Referred to the Committee on Price Raid Claims.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read a first time:

By Mr. Riggs: House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain title to real estate.

House bill No. 138, An act to authorize and empower the county of Douglas to settle and to re-fund its railroad bonded indebtedness.

House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30th, 1880 and 1881.

House bill No. 140, An act to amend section 76, article 11, and section 79, article 12, of chapter 34 of an act entitled "An act to provide for the assessment and collection of taxes," approved March 4th, 1876.

By Mr. Ballard: House bill No. 141, An act providing for the payment of the agent of the State of Kansas for prosecuting claims against the United States.

By Mr. Breyfogle: House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures.

By Mr. Wait, of Lincoln: House bill No. 143, An act to amend section 8 of chapter 93 of the Laws of 1875, entitled "An act regulating the salaries of County Treasurers," approved March 1st, 1875.

By Mr. Legate: House bill No. 144, An act authorizing the Governor to appoint commissioners to locate and erect a State

reform school, prescribing their duties, and making appropriations for the same.

By Mr. Legate: House bill No. 145, An act to prescribe certain duties of probate judges and county clerks in counties having 25,000 inhabitants, or more.

House bill No. 146, An act to amend section 111 of chapter 31 of the revised laws of 1868, being an act relating to offenses against property.

By Mr. Armstrong: House bill No. 147, An act making an appropriation for the erection of a hospital building, for furnishing the same, and for improvement, for the Institution for the Blind; and to defray the current expenses thereof for the years 1880 and 1881.

By Mr. Miller: House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes.

House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto.

By Mr. Eastland: House bill No. 150, An act to amend section 27 of chapter 24 of the General Statutes of Kansas, approved March 3d, 1868, defining the boundary lines of counties.

By Mr. Bishop: House bill No. 151, An act conferring the rights of majority upon Ira F. Hudson and Elmer H. Frost, minors.

By Mr. Kollock: House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4th, 1876.

By Mr. Bissell: House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness.

By Mr. Kennedy: House bill No. 154, An act to amend section 1 of chapter 38 of the Session Laws of 1877, in relation to the payment of taxes.

By Mr. Donahue: House bill No. 155, An act to amend section 48 of the Laws of 1872, entitled "An act to incorporate cities of the second class, and to repeal former acts."

By Speaker Clarke: House bill No. 156, An act to provide for the purchase and placing of the statues of John Brown and

James H. Lane in the old hall of the House of Representatives, in the Capitol of the United States.

House bill No. 157, An act relating to State and county roads.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read a second time, and referred to appropriate committees, as follows:

##### *To the Committee on Municipal Corporations:*

By Mr. McKay: House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds.

By Committee on Municipal Corporations: Substitute for House bill No. 80, An act providing for the payment of the indebtedness of any divided township.

##### *To the Committee on Judiciary:*

House bill No. 133, An act to remove disabilities from certain persons therein named.

House bill No. 134, An act to change the name of Frank Woodworth to Frank Hall.

Substitute for House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justice courts against garnishees," chapter 163, Laws of 1872, providing the manner of service in certain cases.

Senate bill No. 12, An act relating to a special election held in Anderson county, September 14th, 1871.

##### *To the Committee on Ways and Means:*

House bill No. 135, An act making an appropriation to rebuild the State Normal School building at Emporia.

Senate bill No. 22, An act making an appropriation for deficiency in the contingent fund for the Executive office for the fiscal year ending June 30th, 1879.

##### *To the Committee on Municipal Indebtedness:*

House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds.

By consent, a clerk was granted to the Committee on Public Lands.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas by the Indian raid of 1878.

HENRY BRANDLEY, *Secretary*.

## REPORT FROM THE AUDITOR.

The following report was received from the Auditor of State:

OFFICE AUDITOR OF STATE AND REGISTER OF STATE LANDS, }  
TOPEKA, KANSAS, January 29th, 1879. }

HON. SIDNEY CLARKE, *Speaker of the House of Representatives*:

SIR: I have the honor to acknowledge the receipt of the following resolution, adopted by the House of Representatives:

"That the Auditor of State be requested to furnish the Committee on Public Lands an abstract of the proceedings relating to the location, appraisal, &c., of the 265,000 acres of public land for school purposes, last obtained from the General Government."

In answer to the request contained in said resolution, allow me to say, that in my annual report as Auditor of State for the year 1876, attention was called to the fact that the State had never been reimbursed for the 16th and 36th sections of land lost to the State by reason of their location within the boundaries of Indian reservations, and the recommendation was made "that the Legislature adopt the necessary measures authorizing the Governor to secure from the General Government the lands due the State at the earliest date possible."

These suggestions were supplemented in a special message from his Excellency Governor George T. Anthony, in which our rights and dues were set forth in an able and exhaustive manner. In pursuance of these several recommendations, a law was passed by the Legislature, at the annual session of 1877, providing for the appointment, by the Governor, of an agent, with authority among other things, to "present and prosecute the claims of the State of Kansas for school lands due said State from the United States." By the authority vested in the Governor by said law, he did, on the 6th day of March, 1877, appoint ex-Governor Samuel J. Crawford as such agent. The claim of the State was presented to and argued before the Honorable Commissioner of the General Land Office in Washington, and resulted in the al-



lowance of the claim of the State in full. The following is the full text of the letter of the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, }  
WASHINGTON, D. C., August 14, 1877. }

*Hon. Geo. T. Anthony, Governor of Kansas:*

SIR: I have had under consideration the claim made by the State of Kansas, through her agent, the Hon. S. J. Crawford, for an allowance of certain lands for school purposes.

The claim, as stated by said agent, is: "That the State of Kansas is entitled to every 16th and 36th section of land in each township in said State; and when either of said sections, or any part thereof, has been sold or otherwise disposed of by the United States, then the State is entitled to other lands equivalent thereto." Or, in other words and in narrower limits, I may state the question to be: Is the State of Kansas entitled to the 16th and 36th sections of land (or equivalent therefor) which were formerly within the Indian reservations in said State?

There were a number of these reservations, the Indians' title to which has never in all cases been extinguished, as such, and which constitute a part of the State of Kansas.

The act of Congress of date May 30th, 1854, entitled "An act to organize" the Territory of Kansas, provides as follows:

"SEC. 34. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six, in each township in said Territory, shall be and the same are hereby reserved, for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same." (Stat. at Large, p. 289, vol. 10.)

The foregoing is also incorporated into the act of Congress of date July 22, 1854, providing, among other things, for the survey of said Territory.

The act of Congress admitting the State of Kansas into the Union, approved January 29th, 1861, provides:

"SEC. 3. *And be it further enacted*, . . . First, That sections numbered sixteen and thirty-six, in every township of public lands in said State, and where either of said sections or any part thereof has been sold, or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools." (Statutes at Large, vol. 12, p. 127.)

Without other provisions of law, it would be clear that the State is entitled to what she asks. But the act of admission referred to contains the following proviso, which is also in substance contained in the organic act. The proviso is as follows:

"*Provided*, That nothing contained in the said constitution respecting the boundary of said State shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with such Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the State of Kansas, until said tribe shall signify their assent to the President of the

United States to be included within said State, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their laws, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed." (Stats. at Large, vol. 12, p. 127.)

Upon the 23d day of April, 1870, the Secretary of the Interior asked an expression of the views of this office with reference to the question involved in the construction of these statutes, and the propriety of granting this claim.

In answer, the then Commissioner, Joseph L. Wilson, submitted his views upon the subject, in writing. After quoting from the foregoing acts, as above, except that he leaves off that part of the provision after the word "Kansas," in the 14th line thereof, he says:

"Under treaty stipulations, these Indian lands have, from time to time, been sold in trust for the Indians, or otherwise disposed of for their benefit, no pecuniary benefit resulting to the General Government from such disposal."

We draw from these facts the conclusion, that as these lands, by the express terms of the organic act, were not part of the Territory of Kansas, and by the provisions in the act of admission were excepted from and declared to be no part of said State, the grant of 16th and 36th sections in such townships of *public lands in said State* "did not include any part of the Indian reservations, and hence there is no *legal* foundation for school indemnity under existing laws."

These views thus expressed to the Secretary in this advisory manner, rather than in the light of a decision upon the rights of the parties and which, so far as I am able to learn, were in no manner approved or disapproved by the Secretary, do not, as I conceive, constitute such a decision on the part of my predecessor in office, as to bind me to a concurrence in them. I make this statement because I find it necessary, after a careful consideration of the questions involved, to differ from the conclusions there arrived at. I am forced to adopt the view that the Indian reservations were just as much a part of the State of Kansas, in *contemplation of the acts referred to*, granting school sections, as any other portion. It is true that the State could not take possession at once, or as it did of other lands, for the right of possession was in the Indians temporarily. The right of the State to claim the lands was made dependent upon certain conditions or contingencies, which the acts referred to named. When these things were accomplished, the State's right attached; the Indian reservations were excepted out of the boundaries of the State only so long as the Indian title remained unextinguished, and no longer. This title extinguished, the lands became part of the State, and when part of the State, the State was entitled to the sixteenth and thirty-sixth sections therein. The latter fact just as necessarily resulted as the former.

The State of Kansas was formed within certain boundaries. These were universally recognized. But within these boundaries certain rights had been acquired, which justice demanded should be protected. These were, a right of possession only in certain Indian tribes, which were to be preserved until the Government could acquire them by the means named in

the act of admission. When this was done, the lands were, by the terms of the act, to become a part of the State. No further legislation was necessary to this end. The reservations were only to continue so long.

Not only this, but the act providing for the survey of the lands within the State, provides that, whenever any part was surveyed with a view to bringing them into market, the sixteenth and thirty-sixth sections were to be set apart for school purposes. At the time of the organic act, and not till long after, were the lands surveyed, so that the language providing that "each township in the State," etc., could not have referred to any townships already surveyed, but to all townships that should thereafter be surveyed.

The townships within the Indian reservations were perhaps longest delayed; still finally they were surveyed, with a view to their sale. No time was fixed in which the surveys should take place, neither with reference to these nor any other parts of the State. This view is supported also by the subsequent acts of Congress.

The resolution of date April 10, 1869, providing for the purchase of lands in the Osage reservation, in said State, provided, among other things, "that the sixteenth and thirty-sixth sections shall be reserved for State and school purposes, *in accordance with the provisions of the act of admission of the State.*" Not only were the lands here reserved, but "in accordance with the provisions of the act of admission of the State"—saying as plainly as might be that it was the understanding of Congress that the act of admission reserved these lands for that purpose; so, the two other acts of date of July 15, 1870, reserve these sections.

Not only this, but I have for my guidance the almost uniform custom of this department, directing me to the same end and conclusion. For instance: In the case of the State of California, it appearing that in certain locations, owing to natural obstacles, the school lands could not always be selected according to the uniform system adopted, it was provided that the State might select other lands; and the Commissioner of the General Land Office, in his circular of instructions upon the subject, uses the following language: "Fractional townships created by Indian reservations are not to be understood as coming within the meaning of the act, as *when the township is completed*, it [the State] will have its proper school lands." See opinion of Attorney General Butler, March 31, 1836, 3 Opinions. See, also, Secretary's decision, December 20th, 1858, No. 644; 1 Lester, 632; *id.*, No. 534, p. 492; *id.*, No. 319, p. 285.

The almost uniform action of the government with reference to like grants to other States is in perfect accord with these views. In the case of *Cooper vs. Roberts*, 18 Howard, 173, the court says: "It has always been a cherished policy with the Government of the United States to appropriate the section numbered sixteen in every township of land for the use of schools." But not only does it appear clear to me that these lands were within the contemplation of the organic act, the act providing for the survey of the lands, and the act of admission, but that these reservations were, in a sense, and in the same contemplation, a part of the Territory

and State. The reservation clause can only be fairly construed, in my opinion, to be a suspension of the political and economic functions of the State Government for the time. In this view of the subject, I am borne out by so able an authority as Chief Justice Marshall. In the case of *Fletcher vs. Peck*, 6 Cranch, 141, the opinion recites "that in October, 1763, the King of Great Britain issued a proclamation creating four new colonies—Quebec, East Florida, West Florida, and Grenada—and prescribing the boundary of each; and further declaring that all the lands between Alatomaha and St. Marys should be annexed to Georgia. The same proclamation contained a clause *reserving*, under the *dominion and protection of the Crown*, for the *use of the Indians*, all the lands on the *Western waters*, and forbidding a settlement on them, or a purchase of them from the Indians. . . . The counsel for the plaintiff rest their argument on a single proposition. They contend that the reservation for the use of the Indians, contained in the proclamation of 1763, excepts the lands on the Western waters from the colonies within whose bounds they would otherwise have been, and that they were acquired by the Revolutionary War. . . . The court does not understand the proclamation as it is understood by the counsel for the plaintiff. The reservation for the Indians appears to be a temporary arrangement, suspending for a time the settlement of the country reserved, and the power of the royal Governor within the territory reserved, but is not conceived to amount to an alteration of the boundaries of the Colony."

This case, it will be seen, is exactly in point, and parallel, and must be accepted as a controlling authority. See, to the same import, the opinion of Attorney General Black, 9 Opinions, 346.

It will be seen, by a reference to the decision of the Secretary of the Interior, of date August 26, 1870, that in interpreting the act of April 10, 1869, he makes a distinction between the lands embraced in the first and second articles of the Osage treaty. He says:

"The United States, however, purchased, under the treaty, the lands embraced in the first article, and thereafter they became public lands; and for such of the sixteenth and thirty-sixth sections of them as may be sold, or otherwise disposed of, the State will be entitled to select equivalents, which must be taken as near as may be to the ceded tracts."

According to the doctrine of this decision, when the United States acquires the Indian title, the State is entitled to the school sections; but the Secretary then held that the lands embraced in the second article of the treaty, which were to be sold in trust for the Indians, were not acquired by the United States. "The United States acquired no beneficial interest in them, and in no sense can they be considered public lands." This conclusion was undoubtedly based upon, and finds its excuse in, the particular wording of the act which contains the words, "lands *sold* to the United States." Perhaps it would not be proper for me to question the soundness of the decision, nor is it necessary to do so. The subsequent decision of the Secretary of the Interior, of date February 14, 1871, practically overrules the former decision, and decides that under the twelfth section of the



act of July 15, 1870 (16 Statutes at Large, page 362), the State is entitled to the sixteenth and thirty-sixth sections referred to, known as Trust Lands.

I conclude, therefore, without further discussion of the question, that the State of Kansas is entitled to each sixteenth and thirty-sixth section of land, or equivalents therefor, to be selected according to law, embraced within the lands heretofore known as "Indian reservations," in said State, not heretofore obtained by her, or for which she has not in any manner received lands, or other compensation in lieu thereof.

Very respectfully,

J. A. WILLIAMSON, *Commissioner*.

Under this decision, the State has recovered about two hundred and sixty-five thousand acres of land, which, estimated at the lowest price fixed by law, is worth \$800,000. Valued at the average price received for lands patented to date, to wit, \$4.23 per acre, these lands will be worth to the State, \$1,120,000.

The Legislature having made no appropriation for the necessary expenses connected with the selection of the lands granted to the State, by the decision hereinbefore mentioned, the selection must lie over until another meeting of the Legislature, or the officers of the State must take the responsibility of raising the necessary funds and causing the work to be done at once. In view of the fact that the State was being rapidly settled up, and that the delay of a year or more in the selection would cause the lands to be located further in the interior, away from railroads and markets, and consequently less valuable, the State officers determined to make the selection at once. To carry into effect this conclusion, a meeting of the State officers was held, in the office of the Governor, on the 21st day of December, 1878. There were present, George T. Anthony, Governor; T. H. Cavanaugh, Secretary of State; P. I. Bonebrake, Auditor of State; John Francis, Treasurer of State; A. B. Lemmon, State Superintendent of Public Instruction; Willard Davis, Attorney General. At this meeting the following resolutions were adopted:

"*Resolved*, That a commission be appointed to locate the indemnity school lands of the State, under the recent decision of the Department of the Interior, giving lands to the State in lieu of the sixteenth and thirty-sixth sections of public lands within the Indian reservations; the selection of such commission to be made by the State officers, a majority concurring.

"*Resolved*, That the commission consist of not less than three nor more than six persons, and that the compensation shall not exceed four dollars per day, and reimbursement of actual expenses.

"*Resolved*, That the State officers unite in procuring a loan of the neces-



sary funds to meet the expenses of such commission, pledging the payment of the same on or before the close of the next session of the Legislature—the interest not to exceed the rate of ten per cent. per annum.

At a subsequent meeting of the board of State officers, the following-named persons were appointed commissioners, to wit: G. C. West, of Labette county; J. C. McQuary, of Saline county; O. E. Morse, of Linn county; L. A. Thrasher, of Allen county; L. B. Snow, of Butler county; and J. E. Stone, of Montgomery county.

Rules for the guidance of the commissioners in their work were adopted, a copy of which, together with forms for vouchers for services and expenses, are transmitted herewith, marked Exhibit A, B, and C.

The whole amount of the land due the State was selected, and, in my opinion, carefully and judiciously selected. The reports of the commissioners are on file in my office, together with complete descriptions of the land as to quality of soil, wood, water, and stone, etc. The work of selection cost the State the sum of \$2,885.46, not including interest on the loan heretofore mentioned. The following exhibit shows the dates and the amounts paid:

EXHIBIT showing the dates and amounts paid the several commissioners appointed to select indemnity school land, per diem and expenses included. Original vouchers are on file, showing items of expenditures:

<i>Name of Commissioner.</i>	<i>Date of payment.</i>	<i>Per diem.</i>	<i>Ex-penses.</i>	<i>Total.</i>	<i>Amt. paid each Com-missioner.</i>
L. A. Thrasher.....	January, 1878.....	\$32 00	\$34 70	\$66 70	\$468 00
“ .....	February, 1878...	80 00	31 40	111 40	
“ .....	March, 1878.....	100 00	43 40	143 40	
“ .....	April, 1878.....	96 00	50 50	146 50	
James C. McQuary.....	Jan. and Feb., '78,	\$80 00	\$120 60	\$200 60	756 28
“ .....	February, 1878...	28 00	26 00	54 00	
“ .....	March, 1878.....	100 00	183 60	283 60	
“ .....	April, 1878.....	78 00	140 08	218 08	
G. C. West.....	January, 1878.....	\$40 00	\$28 35	\$68 35	560 05
“ .....	February, 1878...	96 00	96 40	192 40	
“ .....	March, 1878.....	104 00	84 95	188 95	
“ .....	April, 1878.....	80 00	30 35	110 35	
L. B. Snow.....	February, 1878...	\$56 00	\$76 50	\$132 50	504 33
“ .....	March, 1878.....	82 00	76 28	158 28	
“ .....	April, 1878.....	84 00	129 55	213 55	
J. E. Stone.....	February, 1878...	\$64 00	\$104 20	\$168 20	308 40
“ .....	March, 1878.....	44 00	96 20	140 20	
O. E. Morse.....	Jan. and Feb., '78,	\$60 00	\$50 10	\$110 10	288 40
“ .....	March, 1878.....	100 00	60 10	160 10	
“ .....	April, 1878.....	12 00	6 20	18 20	
Total amount expenses.....	.....	.....	.....	.....	\$2,885 46

To meet the foregoing expenditures the State officers borrowed upon their own responsibility, of Messrs. Donnell, Lawson & Co., of New York, the sum of three thousand dollars, to wit, \$1,000, January 21st, 1878, due March 1st, 1879, with interest at the rate of seven per cent. per annum; also the sum of \$2,000, dated March 11th, 1878, due March 1st, 1879, with interest at the rate of seven per cent. per annum. These notes were signed by Geo. T. Anthony, Thos. H. Cavanaugh, P. I. Bonebrake, Jno. Francis, Willard Davis, and A. B. Lemmon. The amount required to meet the principal and interest of these obligations is: principal, \$2,885.35; interest, \$219.94; total, \$3,098.29.

I would respectfully ask that the original proceedings relating to the selection of these lands, together with the reports and vouchers of the commissioners, be examined by a committee from your honorable body, and if found to be correct that an appropriation be made at once to meet the obligations hereinbefore set forth. We are convinced that, for the reasons given in the first part of this report, the lands are worth thousands of dollars more to the State than if selected a year or two later.

It is due to the several State officers who participated in this work, to say that each and all of such officers took a deep interest in the work of selection, and the very satisfactory results of the work are due to the harmony of sentiment and action among them.

The resolution makes inquiry as to the *appraisement* of said lands, but as no appraisement has been made, no information can be given upon that point, except to say that from the ample descriptions of the selecting commissioners, filed with the lists of lands selected, an appraisement may be made without a further personal inspection of the land.

I have the honor to be, very respectfully, etc.,

P. I. BONEBRAKE,

*Auditor of State.*

Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas on account of Indian raid of 1878, was read the first time.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Butts offered the following resolution, and moved its adoption:

*Resolved*, That the Sergeant-at-Arms be directed to furnish

one copy of sectional map of Kansas, for the use of the Committee on County Lines and County Seats.

The question being upon the adoption of the resolution, the resolution was adopted.

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law, was taken up, and passed over.

House concurrent resolution No. 21, for the purpose of printing 3,500 copies of the journals of the House and Senate, each day, was taken up, and by consent passed over, retaining its place.

House concurrent resolution No. 3, in relation to the requirement under the law that all railroad companies keep their general offices within the State, was taken up, and passed over.

The Speaker presented the following recommendation:

HOUSE OF REPRESENTATIVES, TOPEKA, Feb. 4, 1879.

MR. SPEAKER: Under a resolution of the House, authorizing me to appoint necessary assistance, temporarily, I appointed Hon. R. E. Stevenson, of Johnson county, as Assistant Sergeant-at-Arms, and A. M. Higgason, of Norton county, as extra-Assistant Doorkeeper. I would suggest that they should be paid up to 3 o'clock, February 4th, and discharged, unless the House orders otherwise.

Respectfully,

WM. HIGGINS,

*Sergeant-at-Arms.*

By consent, the recommendation was adopted, and the assistants discharged.

#### COMMITTEE OF THE WHOLE.

Mr. Callen moved that the House resolve itself into committee of the whole, for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Callen in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House joint resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, with recommendation that it be passed over, and take its place on the calendar.

House bill No. 2, An act conferring the right of majority on Robert J. Weisback, a minor, with sundry amendments thereto, and recommend its adoption as amended.

House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Neosho county, Kansas, and recommend its passage.

House bill No. 39, An act conferring the right of majority on James P. Cramer, with the recommendation that it be stricken from the calendar.

House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city, with the recommendation that it be passed over, and retain its place on the calendar.

House bill No. 66, An act to amend section 321 of the code of civil procedure, with the recommendation that it be passed as amended.

House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, with the recommendation that it be passed over, and retain its place on the calendar.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, with the recommendation that it be passed over, and retain its place on the calendar.

House bill No. 15, An act regulating the salaries of county clerks and county treasurers of Osborne county, with amendments thereto, and recommend that it be passed over, and take its place on the calendar immediately after House bill No. 32.

The committee reports progress, and asks leave to sit again.

A. W. CALLEN,

*Chairman Committee of the Whole.*

On motion of Mr. Biddle, the report was agreed to.

Mr. Legate, by consent, offered the following resolution:

*Resolved*, That the hours of meeting of the standing committees shall be at 9:30 A. M. of each morning.

Mr. Alexander moved to amend by striking out the word "nine," and insert "ten."

Mr. Eastland moved to amend the amendment by providing that the hours for meeting of the committees shall be held at such hours as the chairman thereof shall call them together.

Mr. Bull moved the adoption of the resolution.

The motion prevailed.

Mr. Gilmore called up his resolution, amending Rule No. 1, relating to the meeting of the House, which is as follows:

*Resolved*, That the hours of meeting of the House be 10 o'clock A. M. and 2 o'clock P. M.

Mr. Gilmore moved the adoption of the resolution.

On this the yeas and nays were demanded, and the roll was called, with the following result:

Yeas, 20; nays, 86; not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Bishop, Blackman, Blanchard, Bower, Bruner, Callen, Danhaur, Eckles, Gilmore, Hewins, Humes, Martin of Labette, Seaton, Stewart, and Tallman.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Armstrong, Baker, Ballard, Beaty, Bevins, Biddle, Bissell, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Calvin, Clapp, Congdon, Corbin, Donahue, Eastland, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hodge, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Richards, Riggs, Robb, Rood, Sallee, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Barber, Berry,



Boggs, Clark, Clogston, Cool, Cunningham, Farris, Hamilton of Marshall, Helmick, Hossack, Lawson, Majors, Parsons, Price, Raybell, Rice, Scott, Selover, Smith of Bourbon, Wait of Lincoln, Woodard, and Wright.

And so the resolution was not adopted

On motion, the House adjourned.

---

## SIXTEENTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, Feb. 6, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Price, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees were: Messrs. Anderson of Cherokee, Anderson of

Ellsworth, Boggs, Bower, Bull, Farris, Godfrey, Greever, Greifenstein, Hamilton of Marshall, Hossack, Hutchison, Lawson, Legate, Myers, Rice, Seaton, Smith of Bourbon, and Woodard.

Quorum present.

On motion, leave of absence was granted to Messrs. Smith of Bourbon, Boggs and Rice, until next Monday.

By consent, Mr. Helmick was excused for his absence yesterday.

Pending the reading of the journal of yesterday, on motion of Mr. Loy its further reading was dispensed with.

The journal of yesterday was corrected so as to take off of the list of absentees Messrs. Albin, Barber, Congdon, Manning, and Martin of Kingman.

By consent, Mr. Riggs introduced the following resolution, which was adopted:

*Resolved*, That the use of this hall be tendered to the Hon. Samuel F. Cary, of Ohio, for the delivery, this evening, of a free lecture on "Hard Times," and the cause thereof.

### THIRD ASSISTANT ENGROSSING CLERK.

By authority vested in me, I hereby appoint Miss Lou. Arbuthnot as Third Assistant Engrossing Clerk of the House of Representatives.

SIDNEY CLARKE, *Speaker*.

Miss Arbuthnot came forward, and subscribed the following oath of office:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Third Assistant Engrossing Clerk of the House of Representatives. So help me God.

(Signed) LOU. ARBUTHNOT.

Sworn and subscribed to before me, this 6th day of February, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Faulkner: Of citizens of Saline county, praying for

the passage of a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Parsons: Of citizens of Brown county, in reference to the school laws. Referred to the Committee on Education.

By Mr. Helmick: Of citizens of Cherokee county, praying for the passage of a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Hartshorne: Of citizens of Neosho county, in reference to herd law. Referred to the Committee on Inter-State Commerce.

By Mr. Clogston: Of citizens of Greenwood county, praying for the passage of a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Richards: Of citizens of Douglas county, praying for the passage of a law regulating freights and fares on railroads. Referred to the Committee on Railroads.

By Mr. Blanchard: Of citizens of Labette county, praying for the passage of a law prohibiting the sale of intoxicating liquors. Referred to the Committee on Temperance.

By Mr. Riggs: Of citizens of Douglas county, in reference to hedges and hedge-rows. Referred to Committee on Agriculture.

By Mr. Leonard: Of citizens of Cowley county, in reference to agriculture. Referred to Committee on Agriculture.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Butts: House bill No. 158, An act to amend section 2, chapter 26, of the General Statutes, entitled "An act concerning the location and removal of county seats."

By Mr. Gable (Frank M.): House bill No. 159, An act to provide for building and repairing bridges in counties having 25,000 inhabitants or more.

By Mr. Stitt: House bill No. 160, An act to enable certain persons therein named to exercise the rights of majority.

By Mr. Albin: House bill No. 161, An act to legalize the official acts of D. J. Reber, of Butler county, Kansas.

By Mr. Hankins: House bill No. 162, An act to repeal chapter 194 of the Session Laws of 1872, relating to stock.

By Mr. Albin: House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the run-

ning at large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872.

By Mr. Breyfogle: House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits or the creation of debts when insolvent or in a failing condition.

House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition.

By Mr. Blackman: House bill No. 166, An act relating to taxation in Leavenworth county.

By Mr. Miller: House bill No. 167, An act to legalize certain collections of taxes and redemptions from tax sales made by the city treasurer of Leavenworth city, and County Treasurer of Leavenworth county.

By Mr. Smith, of Marshall: House bill No. 168, An act relating to deeds and conveyances.

By Mr. Calvin: House bill No. 169, An act to empower a certain minor to hold and transfer property, and transact business as though he had attained his majority.

By Mr. Tucker: House bill No. 170, An act to change part of a certain street, and to vacate a certain alley, in the city of Wichita, Sedgwick county, Kansas.

By Mr. Huffaker: House bill No. 171, An act providing for the consolidation of adjacent cities.

By Mr. Sallee: House bill No. 172, An act to enable municipal corporations, the boards of education of any city and school districts to re-fund their indebtedness.

By Mr. Blanchard: House bill No. 173, An act to authorize Oswego township, in Labette county, to take up and cancel its outstanding bonds, and to issue other bonds for such purpose, and to provide for the payment of the same.

By Martin, of Kingman: House bill No. 174, An act to amend section 3 of an act entitled "An act for the appointment of a Commissioner of Fisheries, and for the protection of fish in the waters of the State of Kansas, and the repeal of section 3, chapter 117, Laws of 1877."

By Mr. Watson: House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named.

By Mr. McClintick: House bill No. 177, An act to remove the political disabilities of Robert N. Smith, of McPherson county, and certain other persons therein named.

By Mr. Legate: House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24th, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds.

By Mr. Hamilton, of Norton: House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding the indebtedness of said county.

By Mr. Greever: House bill No. 180, An act providing for the drainage of swamp, bottom and other low lands.

#### SECOND READING AND REFERENCE OF BILLS.

Mr. Legate moved that the rules be suspended, and all bills introduced this day be read a second time, and referred to their appropriate committees:

##### *To the Committee on Judiciary:*

House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain title to real estate.

House bill No. 145, An act to prescribe certain duties of probate judges and county clerks in counties having 25,000 inhabitants or more.

House bill No. 146, An act to amend section 111 of chapter 31 of the revised laws of 1868, being an act relating to offenses against property.

House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes.

House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto.

House bill No. 151, An act conferring the rights of majority upon Ira F. Hodson and Elmer H. Fort, minors.

House bill No. 160, An act to enable certain persons therein named to exercise the rights of majority.



House bill No. 161, An act to legalize the official acts of D. J. Reber, of Butler county, Kansas.

House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition.

House bill No. 168, An act relating to deeds and conveyances.

House bill No. 169, An act to empower a certain minor to hold and transfer property and transact business as though he had attained his majority.

House bill No. 172, An act to enable municipal corporations, the boards of education of any city, and school districts to re-fund their indebtedness.

House bill No. 177, An act to remove the political disabilities of Robert N. Smith, of McPherson county, and certain other persons therein named.

House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds.

#### REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Judiciary Committee, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 95, An act to legalize the levy of taxes made in the year A. D. 1878 in the city of Great Bend, Barton county, Kansas, a city of the third class, to pay the Brinkman judgment, and the levy of taxes made in said city in said year to pay the Wilder judgment, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 106, An act for the relief of Hubert Nadeau, and to authorize the County Clerk of Washington county to issue a new certificate for school lands, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred substitute for Senate bill No. 7, An act making appropriations to furnish the Topeka Insane Asylum, and to provide for the current expenses thereof, during the fractional portion of the fiscal year ending June 30, 1879, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, as amended by the committee.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate bill No. 19, An act making an appropriation to reimburse certain persons for expenditures made in the selection of indemnity school lands, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate bill No. 22, An act making appropriation for deficiency in the contingent fund for the Executive office for the fiscal year ending June 30, 1879, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 91, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and then referred back to the committee.

C. E. FAULKNER, *Chairman.*

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 31, An act to amend an

act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman.*

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 42, An act to amend section 127 of chapter 34 of the General Laws of Kansas of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the subject-matter therein having been passed upon in a preceding bill.

JOHN S. GILMORE, *Chairman.*

Mr. Eggers, chairman of the Committee on Railroads, submitted the following report:

MR. SPEAKER: Your Committee on Railroads, to whom was referred House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

L. F. EGGERS, *Chairman.*

Mr. Hamilton, of Marshall, chairman of the Committee on Finance, submitted the following report:

MR. SPEAKER: Your Committee on Finance, to whom was referred House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be amended, so as to read, in section 1, "two dollars and fifty cents," instead of "five dollars." With such amendment, the committee recommend its passage.

L. P. HAMILTON, *Chairman.*

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations,

to whom was referred House bill No. 107, An act to amend section 78 of chapter 60 of the Laws of 1871, it being an act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Clapp, chairman of the Committee on Public Lands, submitted the following report:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred House bill No. 61, An act for the relief of defaulting purchasers of school lands, have had the same under consideration, and instruct me to report the accompanying substitute to the House with the recommendation that it be passed.

DEXTER E. CLAPP, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following report:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 112, An act to amend an act for the regulation and support of common schools, approved March 4, A. D. 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with the amendments therein noted.

J. H. BLACKMAN, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 8, An act to prevent from running at large in the night-time certain domestic animals in the several counties of this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor, have had the same under considera-

tion, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following report:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bills Nos. 1, 3, 46, 70, 84 and 127, have had the same under consideration, and instruct me to report progress, and ask for further time.

W. C. BUTTS, *Chairman*.

Mr. Calvin, chairman of the Committee on Temperance, submitted the following report:

MR. SPEAKER: Your Committee on Temperance, to whom was referred House bill No. 86. An act to amend section 11 of chapter 35 of the Statutes of 1868, regulating the sale of intoxicating liquors, have had the same under consideration, and instruct me to ask further time.

T. J. CALVIN, *Chairman*.

MR. SPEAKER: Your Committee on Temperance, to whom was referred House bill No. 110, An act to amend chapter 35 of the General Statutes of 1868 of the State of Kansas, entitled "An act to restrain dram-shops and taverns, and to regulate the sale of intoxicating liquors," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

T. J. CALVIN, *Chairman*.

#### QUESTION OF PRIVILEGE.

Mr. Clapp arose to a question of privilege, and offered the following resolution, and moved its adoption:

*Whereas*, It is charged that during the progress of the late Senatorial election acts of bribery and corruption were resorted to to influence the votes of members of this House for United States Senator; and

*Whereas*, It is also charged that offers were made to pay large sums of money for votes for Senator, and that in some cases these corrupt offers were made by members of this House; and

*Whereas*, The honor of the State, the integrity of this House, and the character of the Senate of the United States, demand that a full and impartial investigation should be had of all the



facts and circumstances connected with the aforesaid charges: therefore,

*Resolved*, That a committee of five members be appointed, whose duty it shall be to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office made against the recently-elected Senator, to the end that the innocent may be vindicated, and all acts of bribery and corruption, if any shall be found, exposed and punished; and said committee shall have power to employ a clerk, to administer oaths, and to send for persons and papers.

Mr. Seaton offered the following resolution, as a substitute for the resolution offered by Mr. Clapp:

*Whereas*, It is becoming a chronic disease of the American people, in connection with all elections, for the defeated parties to cry fraud, and clamor for investigations against the successful ones; and

*Whereas*, Our people are suffering from such unwise and expensive legislation: therefore, be it

*Resolved*, That it is the sense of this House that there has been nothing wrong in the election of United States Senator, just past.

*Resolved*, That we look upon a desire to engage in an investigation as being inimical to the welfare of our State.

The Speaker ruled that the substitute was not in order, not being germane to the original, or first resolutions; from which Mr. Biddle appealed.

The question being, Shall the decision of the chair stand as the judgment of the House? the call of the roll was demanded and had, with the following result:

Yeas, 68; nays, 50; not voting, 11.

Gentlemen voting in the affirmative were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Bevins, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon Eastland, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Wyandotte, Kelly, Kennedy, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Richards, Riggs, Rood, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Tay-

lor, Towle, Wait of Lincoln, Wait of Linn, Walker, Watson, and White.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Eckles, Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hankins, Hewins, Humes, James of Shawnee, Keller, Kollock, Legate, Manning, Myers, Price, Raybell, Robb, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Brown, Donahue, Farris, Hossack, Lawson, McCrumb, Rice, Smith of Bourbon, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

And so the decision of the chair was sustained.

Mr. Biddle offered the following amendment to the original:

After the word "Resolved," add "by the House of Representatives, the Senate concurring therein." Also strike out the following words: "A committee of five members be appointed," and insert "the Committee on State Affairs of the Senate, and the Committee on State Affairs of the House, as a joint committee."

Mr. Clapp moved the previous question on the adoption of the resolutions.

The question being, Shall the main question be now put? the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 67; nays, 53; not voting, 9.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Armstrong, Baker, Barber, Barrackman, Bevins, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greiffenstein, Hall, Hamilton of Marshall, Helmick, Hodge, Huffaker, Hutchison, James of Wyandotte, Kelly, Kennedy, Legate, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Rood, Sallee, Scott, Selover, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Watson, White, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alex-

ander, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Hewins, Humes, James of Shawnee, Keller, Kollock, Lawson, Leonard, Manning, McCrumb, Myers, Price, Robb, Seaton, Shaw, Smith of Marshall, Stitt, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Beaty, Ewing, Farris, Fisler, Henderson, Hossack, Rice, Smith of Bourbon, and Woodard.

And so the motion prevailed.

The question recurring on the amendment offered by Mr. Biddle, the yeas and nays were demanded and had, with the following result: Yeas, 61; nays, 63; not voting, 5.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hankins, Hewins, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Majors, Manning, McCrumb, Myers, Price, Raybell, Richards, Robb, Rood, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Bevins, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Helmick, Henderson, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMullen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Watson, White, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Farris, Hossack, Rice, Smith of Bourbon, and Woodard.

And so the amendment was lost.

The question being on the adoption of the preamble and resolution offered by Mr. Clapp, the yeas and nays were demanded, and the call of the roll was proceeded with.

Pending the call of the roll, Mr. Manning demanded the call of the House.

Pending these proceedings, on motion of Mr. Butts further action under the call was dispensed with.

The roll was called, with the following result: Yeas, 68; nays, 56; not voting, 5.

Gentlemen voting in the affirmative were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bishop, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Ewing, Faulkner, Fislser, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Wyandotte, Kennedy, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Rood, Sallee, Scott, Selover, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hankins, Hewins, Humes, James of Shawnee, Keller, Kelly, Kollock, Lawson, Legate, Manning, Myers, McCrumb, Price, Robb, Seaton, Shaw, Smith of Marshall, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Farris, Hossack, Rice, Smith of Bourbon, and Woodard.

And so the resolution was adopted.

Mr. Ballard arose to a question of privilege, and offered the following resolution:



*Whereas*, Grave charges of fraud and corruption are afloat on the night air about the election of Speaker of this House: therefore be it

*Resolved*, That a special committee of five be selected by the House to investigate the charges, and have power to send for persons and papers.

Mr. Speaker Clarke held that the resolution was one of the highest privilege; whereupon he called the Speaker *pro tem.* to the chair, and asked consent to withdraw from the hall. Consent was granted.

After a brief discussion, on motion of Mr. Legate the resolution was indefinitely postponed.

The Speaker resumed the chair.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By consent, Mr. Legate introduced House bill No. 181, An act making appropriations for the "Home for Friendless Women."

By consent, Mr. Ballard introduced House bill No. 182, An act making appropriations for the Kansas State Historical Society.

Mr. Legate moved that the rules be suspended, and that the bills introduced to-day be read a second time, and referred, which motion prevailed.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read a second time, and referred to committees, as follows:

House bill No. 181, An act making appropriations for the "Home for Friendless Women," was referred to Committee on Appropriations.

House bill No. 182, An act making appropriations for the Kansas State Historical Society, was referred to Committee on Appropriations.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 13, providing for the printing of the report of the State Historical Society.

HENRY BRANDLEY, *Secretary.*

On motion of Mr. Gilmore, the resolution was taken up, and adopted.



The following is the report :

*To his Excellency John P. St. John, Governor of Kansas*—SIR: At the annual meeting, January 21st, 1879, the President of the Kansas State Historical Society, Col. John A. Martin, in the chair, Secretary Adams submitted the following Report in behalf of the Board of Directors for the years 1878 and 1879, which was read and adopted:

#### THE COLLECTIONS OF THE SOCIETY.

It has been the aim of the Society to carry out the declared purpose of its organization: chiefly the collection of materials of Kansas history; the collection of books, maps, charts, newspapers, pamphlets, reports of societies and institutions, pictures, printed documents and papers, manuscripts, and materials of whatever kind especially calculated to exhibit and illustrate the history, growth and development of Kansas in all respects; and to arrange such materials and place them in condition for permanent preservation, and for the convenient use of the public. In the acquirement of books, pamphlets and other printed accessions, especial effort has been made to procure copies of everything published in relation to Kansas, from the earliest time to the present, whether published in Kansas or elsewhere, and also copies of all publications printed in Kansas. Beyond these, publications other than those of Kansas, but coming within the general objects of the Society, have been acquired. The book and pamphlet accessions have been procured by donations, exchange, and purchase. Not a few persons who have become interested in the work of the Society have generously contributed to its collections by donation. In the employment of the facilities for exchange afforded by the Legislature through the State publications donated the Society, exchanges have been effected as far as practicable with other societies and institutions throughout the country. Through this means, historical publications, books and pamphlets of a character to exhibit the growth and condition of the public institutions and social organizations of every kind in the other States, have been procured; thus affording facilities for the use of our own people and of the Legislature for the study of the progress of every portion of the country in political and social growth, that lessons may be derived for application in molding our own institutions.

A pamphlet statement of the work of the Society was published

in April, 1877, showing the collections made up to that time. The list of books and pamphlets then shown is appended to this report. Since that date, 1,237 volumes of books have been added to the collection; of which 115 volumes were acquired by purchase; 412 by donation; 550 received from the United States Government, not credited as donations; and 160 volumes received as exchanges. The pamphlet additions have been 1,184 in number, nearly all of which have been acquired by donation and exchange.

#### PRINCIPAL BOOK ACCESSIONS.

W. A. Johnson's History of Anderson County, Kansas; Ball's History of Lake County, Indiana; Joel Moody's Science of Evil, a Kansas book; American State Papers, 5 vols.; Tribute to Memory of Lieut. E. C. D. Lines; Governor and Council of Vermont, 2 vols.; Pennsylvania Archives, second series, 7 vols.; J. B. Linn's Annals of Buffalo Valley, Pa.; Ioway Indian Grammar; Roll of Honor of Soldiers Interred, 28 vols.; Cushing's Historical Letters on the First Charter of Massachusetts; Belden, the White Chief; Douglass's My Bondage and My Freedom; Jesse H. Butler's Poems; Redpath's Life of Capt. John Brown; Proceedings of the Grand Chapter R. A. M. of Kansas, from 1866 to 1874; Lykens's Mathew and Acts, in Potawatomie; American Archives, fifth series, vols. 2 and 3; McClellan's Art of War in Europe; Delafield's do. do.; Young's Labor in Europe; King's European War Ships; Report Vienna Exposition, 4 vols.; Smith's Bouquet's Expedition in 1764; Walker's History of Athens County, Ohio; Clark's Campaign in the Illinois; McBride's Pioneer Biography; Smith's Captivity with the Indians; Dr. Drake's Pioneer Life in Kentucky; Ohio Valley Historical Collections; Wheeler's United States Geographical Report, vol. 4; Smithsonian Annual Reports, from 1862 to 1877, 16 vols.; Riley's Locust or Grasshopper Plague; Canada Trade and Navigation Report, 1875; do. Militia; Burch's Kansas As It Is, 1878; Steele's Sons of the Border; Congressional Report on Kansas Affairs, 1856; Nature and Practice of Real Actions, 1701; Memorial Addresses, Andrew Johnson; Ferris's States and Territories of the Great West; Taylor's Colorado, A Summer Trip; Richardson's Field, Dungeon, and Escape; Report Senate Committee, Harper's Ferry Invasion; Stansbury's Expedition to Great Salt Lake; Marcy's Thirty Years of Army Life on the Border; View of the Valley of the Mississippi; Hudson's History of Journalism;

Mrs. Robinson's *Kansas, Its Interior and Exterior Life*; Second Report Boston Record Commissioners; Seymour's *Trenton, N. J., Its First Settlement*; *Documents of Colonial History of N. Y.*, 12th volume; Hinton's *English Radical Leader's*; Hinton's *Hand-Book to Arizona*; *The Vendetta and Other Poems*, Thos. Brower Peacock; Frank Leslie's *Historical Register*; Captain John Smith's *True Relation of Virginia*; *Michigan Pioneer Collections*; *Oldport Days*, Thos. W. Higginson; *Biennial Reports New York Chamber Commerce*, 6 volumes; *Reports Board Charities, Pennsylvania*, 2 volumes; *Memorial Addresses*, Gov. John W. Geary; Gen. Nathaniel Lyon, *Last Writings of*; McCoy's *History of Baptist Indian Missions, in Indiana, Michigan and Kansas*; Marbois's *History of Louisiana*; *Nebraska-Kansas Speeches in Congress, 1854*, 2 volumes; Edwards's *Noted Guerrillas*; Mrs. Fremont's *Story of the Guard*; Brackenridge's *Views of Louisiana*; Holloway's *History of Kansas*; Harvey's *History of the Shawnee Indians*; Morse's *Indian Affairs, 1822*; Sheridan's *Troopers of the Border*, Keim; *Our New West*, Bowles; Tuttle's *History of Kansas*; Hildreth's *Dragoon Campaigns*; Richardson's *Beyond the Mississippi*; Doniphan's *Expedition from Fort Leavenworth to Mexico, in Mexican war*, Hughes; *Legends of the Missouri and Mississippi*, Hopewell; *Two Thousand Miles on Horseback*, Meline; *Indian Sketches, Pawnees*, Irving, 2 volumes; Swallow's *Geological Survey of Kansas*; Parkman's *Oregon Trail*; *Geological Survey of Michigan*, 3 volumes, with maps; *Geology of Iowa*, White, 2 volumes; *Birds of the Northwest*, Coues; *Ethnography of the Hidatsa Indians*, Mathews; *Monograms of the North American Rodentia*, Coues and Allen; *The Tertiary Flora*, Lesquereux; *Monograph of the Geometrid Moths*, Packard; *List of Elevations West of the Mississippi*, Gannett; Dall's *North American Ethnology*; Powers's, do; *Proceedings of the Davenport Academy of Science*; *The Commonwealth of Missouri*; Pettingill's *Newspaper Directory, 1876 and 1877*; *Annual Report of the American Institute, 1866*; Col. Philip St. George Cooke's *Conquest of New Mexico and California*; Sanborn's *Memoirs of John Brown*; Smith's *Guide to Northwestern Kansas*; Chase's *Guide to the Great West*; Holland's *Kansas and Nebraska State Directory*; Smith's *Guide to the Southwest*; U. S. *Official Register for 1877*; Brewerton's *War in Kansas*; Parker's *Kansas and Ne-*



braska Hand-Book; Tomlinson's Kansas in Eighteen Hundred and Fifty-eight; Gladstone's Englishman in Kansas; Phillips's Conquest of Kansas; Three Years on the Kansas Border; Mrs. Ropes's Six Months in Kansas; Green's Kansas Border; Hale's Kansas and Nebraska; Covode Investigation; Harper's Ferry Invasion; Report Commissioner of Education; History of Public Libraries in the United States; Prentiss's Kansan Abroad; Proceedings American Philological Society; Explorations in Nebraska and Dakota, Warren; Capt. Ludlow's Reconnoissance of the Black Hills; do. Carroll, to Yellowstone Park; Capt. Simpson's Exploration Across the Great Basin of Utah; Annual Report of Chief of Engineers, U. S. A., 2 vols.; Polk's Kansas State Gazetteer, 1878; Parker's Exploring Tour Beyond the Rocky Mountains; Bryant's "What I Saw in California;" Mrs. Ropes's Cranston House; Gallaher's Western Sketch Book; Reid's Scouting Expedition; McCulloch's Texas Rangers; Ferris's Utah and the Mormons; Speeches of Gerrit Smith in Congress; Life and Adventures of James P. Beckwourth; Gregg's Commerce of the Prairies, 2 vols.; Jones's Border War; Helper's Impending Crisis; Gihon's Geary in Kansas; The Mock Auction, A John Brown Burlesque written in verse; Redpath's Echoes of Harper's Ferry; Olmstead's Journey Through Texas; Parker and Durrie's History of Missouri; Curley's History of Nebraska; Burnet's Notes on the Northwest; Ford's History of Illinois; Dillon's History of Indiana; Beggs's Early History of the Northwest; Stratton's Captivity of the Oatman Girls; Bigelow's Life of John C. Fremont; Meeker's Life in the West; Wilkie's Davenport, Past and Present; Cist's Cincinnati in 1841; Sheldon's Early History of Michigan; Neill's History of Minnesota; Adj.-General's Report of Missouri, 1863; Our Labor Difficulties, Moody; Catalogue of Wisconsin Historical Society, 4 vols.; Transactions of the Wisconsin Agricultural Society, 8 vols.; Transactions of the Horticultural Society, 2 vols.; do. Northern Wisconsin Agricultural Department, Mechanical Association, 2 vols.; do. Wisconsin Academy of Science, Art, &c., 3 vols.; Wisconsin Geological Report, with Maps, 1877; Collections of Wisconsin Historical Society, 7 vols.; Murray's Travels in North America and Residence with the Pawnees; Penhollow's History of Wars with Eastern Indians; Owen's Geological Survey of Wisconsin, Iowa and Minnesota; Historical Atlas of Wisconsin;

Annual Reports, Department of Agriculture, U. S., 15 vols.; Monthly do., 11 vols.; Hough's Report on Forestry; Report on Diseases of Cattle in the United States; Catalogue of United States Exhibit at Paris in 1878; do. Educational Exhibit; Genealogy of the Leavenworth Family; Indiana Geological Reports, 4 vols.; American State Papers, 5 vols.; Frothingham's Life of Gerrit Smith; Illinois Atlas and History, 1876; Anderson's Silver Country of the Southwest; Plains of the Great Southwest, Richard I. Dodge; Hill's True Order of Studies; Adventures of Captain Bonneville; The World's Progress; The Student's Atlas of History and Classical Geography; De Soto's Conquest of Florida; Jaeger's North American Insects; Burton's City of the Saints; Peck's Wyoming; Stone's Border Wars; Help's Spanish Conquest; First Century of the Republic; Andersonville, Ambrose Spencer; Lives of Celebrated Travelers, St. John; Communistic Societies in the United States; Politics for Young Americans; Marcy's Army Life on the Border; Marcy's Border Reminiscences; Marcy's Prairie Traveler; Mrs. Farnham's Prairie Land; Swan's Northwest Conquest; Washington Territory; Woman's Record, S. J. Hale; Adventures in the Apache Country, Brown; Dawson's Earth and Man; Dawson's Origin of the World; McCulluck's Universal Gazetteer; Heard's History of the Sioux War; Henry Wilson's History of Anti-Slavery Measures in the Thirty-seventh Congress; Henry Wilson's History of Military Measures in Congress from 1861 to 1865; Henry Wilson's Reconstruction Measures in the Thirty-ninth and Fortieth Congresses; Coin Collector's Manual; Yeoman's Culture Demanded by Modern Life; Cabinet History of the United States, 12 vols.; Knight's Popular History of England, 8 vols.; Plains of the Great West; Webb's Buffalo Land; Young Folks' History of the United States; Young Folks' Book of American Explorers; Historical Student's Manual; Memoir and Letters of Charles Sumner, 2 vols.; Railroads, Their Origin, Charles Francis Adams; On the Plains and Among the Peaks; Scientific Memoirs, Draper; Lives of the Signers of the Declaration; Fox's Student's Commonplace Book; Ward's American Coinage and Currency; The Earth as Modified by Human Action, Geo. P. Mastin; Arizona As It Is, H. C. Hodge; Memoirs of Shaubena, N. Matson; The Indian Miscellany, W. W. Beach; Washington-Crawford Letters, C. W. Best; Parkman's Count Frontenac.



## DONORS OF BOOKS AND PAMPHLETS, INCLUDING EXCHANGES.

<i>Donors.</i>	<i>Books.</i>	<i>Pamp.</i>
Adams, F. G., Topeka .....	3	54
Anderson, Hon. John A., Manhattan.....		2
Anderson County Agricultural Society.....		2
American Philosophical Society, Philadelphia.....	1	
Anthony, Col. D. R., Leavenworth.....		1
Anthony, Gov. Geo. T., Leavenworth.....		3
Baker, Hon. F. P., Topeka.....	12	32
Ball, Rev. T. H., Crown Point, Indiana.....	1	
Bardwell, Prof. F. W., Lawrence.....		1
Baxter, R. S., Auburn, Kas.....	1	
Beach, Hon. A. C., Albany, N. Y.....	1	
Blackford, W. D., Washington, D. C.....	9	2
Blakesley, Rev. L., Topeka.....		1
Boston, Mayor of.....	1	
Boughton, J. S., Lawrence.....	1	
Bridges, Hon. C. G., Troy .....		1
Burch, C. S. & Co., Chicago.....	1	
Burlingame, Ward, Topeka.....	3	
Burlingame Agricultural Association.....		1
Butler, Prof. J. D., Madison, Wis.....	1	1
Butler, Jessie H., North Topeka.....	1	
Carr, E. T., Leavenworth .....	1	
Case, Theo. S., Kansas City, Mo.....		24
Cavanaugh, W. T.....		1
Cavanaugh, Mrs. W. T.....	1	
Cherokee Agricultural Society.....		1
Chicago Historical Society.....		2
Clarke, S. H., Clyde, N. Y.....		3
Clough, E. N. O., Leavenworth.....	1	6
Commissioner of Agriculture, Washington, D. C.....	27	9
Cone, W. W., Topeka.....	2	6
Connecticut, Fish Commissioner, Hartford.....		5
Cooper, J. C., Topeka.....	1	22
Cooper, Hon. Wm. F., Santa Clara, Cal.....		1
Cox, Prof. E. T., Indianapolis .....	4	
Crane, Geo. W., Topeka.....	1	
Crawford, Hon. S. J., Topeka.....		1
Davenport, Iowa, Sec'y Academy of Science.....		1
Davis, Hon. Willard.....		2
Dean, Chas., Boston.....	1	5
Delaware Historical Society.....		1
Dickinson, Dr. D., Topeka.....	43	1
Dickinson County Agricultural Society.....		1
Dollison Bros., Russell.....		1
Doniphan County Agricultural Society.....		2
Eaton, Hon. J., Washington.....		3
Elliott, L. R., Manhattan.....		4
Essex Institute, Salem, Mass.....	17	482
Fithian, J. B., Topeka.....		2
Francis, Hon. John, Topeka.....		8
Frothingham, O. B., New York.....	1	
Gazette, St. Joseph, Mo.....		1
Gilmore, S. J., Salina.....		6
Graham, W. O., Harper, Kas.....		1
Gray, Alfred, Topeka.....	21	
Green, Dr. Sam. A., Boston.....		35
Groat, P. B., Kansas City.....		6
Halderman, Hon. J. A., Leavenworth.....	2	
Hamilton, O. P., Salina.....		1
Hanway, Hon. Jas., Lane.....		1
Hartranft, Gov. J. F., Pennsylvania.....	7	
Harvey County Agricultural Society.....		1
Henry, Hon. Jos., Washington.....	1	
Higgins, Mrs., Topeka.....		57
Higginson, Col. Thos. W., Newport, R. I.....	1	
Historical and Philosophical Society of Ohio.....		1
Hinton, Col. R. J., San Francisco.....	2	
Horne, Col. Dan. H.....		2
Hudson, J. K., Topeka.....		1
Hutchings, John, Lawrence.....	1	
Ingalls, Hon. John J., Washington, D. C.....	32	1
Interior, Secretary of.....		1

DONORS OF BOOKS AND PAMPHLETS, ETC.—CONTINUED.

Donors.	Books.	Pamp.
Irwin, Col. William, Topeka .....	2	.....
Jackson County Agricultural Society.....		2
Jarvis, Dr. Ed., Boston.....		1
Johnson, W. A., Garnett.....		1
Kauffman & Iler, Garnett.....	1	.....
Knox, Rev. J. D., Topeka.....		3
Langworthy, Rev. Isaac, Boston.....	1	16
Leavenworth, Hon. E. W., Syracuse, N. Y.....	1	.....
Lemmon, Hon. A. B., Topeka.....	57	17
Lines, Hon. C. B., Wabauensee.....	1	.....
Linn, Hon. James B., Harrisburg, Pa.....	4	4
Lyon County Agricultural Society.....		1
Lykins, Wm. H. R., Kansas City.....	1	2
Maine, H. C., Troy, N. Y.....		1
Marble, Manton, New York.....		1
Marshall County Agricultural Society.....		1
Martin, Geo. W., Topeka.....	1	.....
Massachusetts Historical Society, Boston.....		18
Marvin, Dr. James, Lawrence.....		1
Maryland Historical Society.....		3
McPherson County Agricultural Society.....		1
Miami County Agricultural Society.....		4
Michigan Pioneer Society, Lansing.....	1	.....
Miller, Hon. Sol., Troy.....	1	.....
Minnesota Historical Society, St. Paul.....		4
Minnesota Academy of Science, St. Paul.....		1
Monroe, Mrs. H. E., Atchison.....		2
Moore, J. B., Clay Center, Kansas.....		1
Morrill, Hon. E. N., Hiawatha.....		1
Mudge, Prof. B. F., Manhattan.....		2
Needham, H. A., Topeka.....	6	.....
New England Historical Genealogical Society, Boston.....	1	22
Nicholson, Supt. Wm., Lawrence.....		1
New Jersey Historical Society, Newark.....	1	2
New York Chamber of Commerce.....	7	12
Northrup, Hon. B. G., Hartford.....		1
Oregon Pioneer Association.....		3
Pangborn, J. G., Topeka.....	2	.....
Patrick, Hon. A. G. Valley Falls.....	14	.....
Peacock, Thos. B., Topeka.....	1	.....
Pettengill, S. M. & Co., New York.....	2	.....
Phillips, Hon. W. A., Salina.....	2	4
Plumb, Hon. P. B., Emporia.....	17	6
Prouty, S. S., Topeka.....		1
Radges, Samuel, Topeka.....	2	.....
Rand, McNally & Co., Chicago.....	1	.....
Reilly, Dr. B. T., Washington, D. C.....	4	.....
Riley, Prof. C. V., St. Louis.....		2
Riley County Agricultural Society.....		1
Rochelle Academy Natural Sciences.....		2
Rust, H. A., Chicago.....		1
Sanborn, Frank B., Concord, Mass.....		6
Sanders, A. A., North Topeka.....	2	.....
Seaver, B. A., White Cloud.....	1	.....
Sedgwick County Agricultural Society.....		1
Sears, Hon. T. C., Ottawa.....		1
Seymour, Hon. John F., Utica, N. Y.....	1	.....
Scott, Hon. John W., Iola.....		1
Shawnee County Agricultural Association.....		1
Simpson, Hon. B. F.....		2
Smith, Richard F., Atchison.....	7	1
Snoddy, J. D., Mound City.....		1
Society for Protection of Deaf Mutes, Paris.....		2
Society Horticole Troyes.....		1
Society de la Historique, Paris.....		1
Society Gens Lettres, Bordeaux.....		2
Society for the Protection of Animals.....		8
Spaulding, Chas., Topeka.....	5	.....
St. Louis Historical Society.....		1
Stearns, Mrs. Mary E., Medford, Mass.....		2
Storrs, Rev. S. D., Topeka.....		1
Swallow, Prof. G. C., Columbia, Mo.....		61
Talcott, Hon. H. W.....		1

## DONORS OF BOOKS AND PAMPHLETS, ETC.—CONCLUDED.

<i>Donors.</i>	<i>Books.</i>	<i>Pamp.</i>
Tabor, Ira I., Holton.....		1
Thompson, Dr. A. H., Topeka.....		4
"Times," Cincinnati.....		1
Vail, Bishop Thos. H., Topeka.....		22
Valley Falls Agricultural Association.....		1
Vermilye, Rev. A. G., Schenectady, N. Y.....		1
Vermont Historical Society.....	2	2
Walton, Wirt W., Topeka.....	1	
Ware, Eugene F., Fort Scott.....		1
Webb, Hon. W. C., Topeka.....	2	
Western Reserve and Northern Ohio Historical Society, Cleveland.....	1	
Whitcomb, A., Lawrence.....		3
Wilcox, Hon. P. P., Denver City.....		1
Wilder, Hon. D. W., St. Joseph.....		1
Wilkinson, W. E., Seneca.....		1
Williams, Hon. R. M., White Cloud.....	1	
Williamson, Hon. J. A., Washington, D. C.....	1	
Wisconsin State Historical Society, Madison.....	50	4
Other exchanges.....	80	
Total number.....	550	1,098

## PUBLICATIONS FOR EXCHANGES.

In addition to thirty copies of each of the State publications received for use to augment its accessions by exchanges with other societies and institutions, the Society has been indebted to the following persons for publications used for the same object: Hon. Alfred Gray, Hon. A. B. Lemmon, ex-Gov. S. J. Crawford, Gov. Geo. T. Anthony, Hon. Thos. H. Cavanaugh, Geo. W. Martin, J. G. Pangborn, West. E. Wilkinson, Wm. W. Cone, Hon. John Francis, Hon. P. I. Bonebrake.

## NEWSPAPER COLLECTIONS.

It is conceded that nothing so well exhibits the history of the growth of a community, or makes so complete a record of its important events, as the files of its newspapers; yet there is nothing concerning the preservation of which there is so little care. Of the newspapers published during the Territorial period of Kansas, probably there are not in existence files of one-fourth of them. The Society has diligently sought to obtain for its collection files of such old papers, and with some success. Files of the first newspaper published in Kansas Territory, the *Kansas Weekly Herald*, the publication of which was commenced at Leavenworth, September 15th, 1854, before there was a house upon the town site, and running through the four most eventful years of Territorial times, were found in Missouri, in the possession of the family of the principal editor, Col. L. J. Eastin, now deceased.

These files have been purchased by the Society. A nearly complete file of the *Squatter Sovereign* for 1856, published at Atchison, has recently been secured. Files of the *Herald of Freedom*, published at Lawrence during the Territorial period, have been procured, through the "Webb Collection," to complete partial files already obtained. Through the same source, files of *Freedom's Champion*, published at Atchison, through a series of years, commencing not quite so early, have also been procured. Nearly complete files of the *Daily Leavenworth Conservative and Times* (the former paper having been consolidated with the latter), commencing January, 1861, and running entirely through the period of State existence, has been brought into the collection, partly by purchase and partly by donation from Maj. E. N. O. Clough, who thoughtfully preserved the files. Being a leading daily paper, published in Kansas during the entire period of the war, and near headquarters in military affairs, this paper may be well considered as containing the military history of Kansas. The Society has lately received as a gift from Hon. Sol. Miller, the publisher, a complete file of the *Kansas Weekly Chief*, at first published at White Cloud, but now at Troy, Kansas. The publication commenced June 4, 1857. This paper is the oldest in Kansas continuously published by the same man. This is the oldest and most complete file which the Society can ever hope to obtain of any early Kansas newspaper. The editor having always given great attention to the public affairs of the whole State, the file is the more valuable in a State historical collection. Other files of early Kansas newspapers, published in various portions of the State, have also been procured, as will appear in the lists accompanying this report. Knowing that the files of papers published at the present time will eventually become of scarcely less value than the old ones now are, the Society is, through the generosity of the publishers, bringing into its collection the regular issues of nearly every paper published in the State. For the newer counties we are enabled in some instances to save complete files of the earliest papers published. The Kansas newspapers and periodicals now being published, and voluntarily donated to the Society by the publishers, number 214. Our accessions of Kansas newspapers published in 1878, number 192 volumes. We have received also the regular issues of 17 newspapers published in other States. As volumes are completed, they are bound by the Society, and placed for convenient reference. These newspaper



collections are already being found in a measure indispensable for reference, for legal notices which they contain, and for correct data as to political, statistical and social information as to the entire State and the country.

Next in value to the newspapers of the day, as materials of history, are the magazines and periodicals, regularly issued; and next, perhaps, pamphlets containing reports of societies and various organizations, public addresses, orations, memorial proceedings, etc. In the estimate here given of the comparative value of materials of a historical collection is only expressed the established opinion of persons who have made up such collections, and those who have had the opportunity to make use of them in historical, literary and statistical researches. Says A. R. Spofford, Librarian of Congress, whose experience in the work in which he is engaged is world-wide: "While the files of the journals of any period furnish, unquestionably, the best instruments for the history of that epoch, it is lamentable to reflect that so little care has ever been taken to preserve a fair representation of those of any age. The destiny of nearly all newspapers is swift destruction, and even those which are preserved commonly survive in a provokingly fragmentary state. The obvious causes of the rapid disappearance of periodical literature are, its volume, necessarily increasing with every year, the difficulty of lodging the files of any long period in our narrow apartments, and the continual demand for paper for the uses of trade. To these must be added the great cost of binding files of journals, increasing in the direct ratio of the size of the volumes. As so formidable an expense can be incurred by very few private subscribers to periodicals, so much the more important is it that the public libraries should not neglect a duty which they owe to their generation as well as to those that are to follow. These poor journals of to-day, which everybody is ready to stigmatize as trash not worth the room to store or the money to bind, are the very materials which the man of the future will search for with eagerness, and for some of which he will be ready to pay their weight in gold. These representatives of the commercial, industrial, inventive, social, literary, political, moral and religious life of the times should be preserved and handed down to posterity with sedulous care. No historian or other writer on any subject, who would write conscientiously or with full information, can afford to neglect this fruitful mine of the journals, where his richest materials are to be found."



"Pamphlets," says Lord Beaconsfield, "those leaves of an hour, and volumes of a season, and even of a week, slight and evanescent as they appear, and scorned at by opposite parties, while each cherishes its own, are in truth the records of the public mind, the secret history of a people, which does not always appear in the more open narrative."

## BOUND NEWSPAPER FILES.

Statement of bound newspaper files at present in the collection, from all sources; numbering 914 volumes.

<i>Newspapers.</i>	<i>Years.</i>	<i>No. vols.</i>
Humboldt Union.....	1876-1878	3
Inter-State, Humboldt.....	1878	1
Iola Register.....	1873-1878	6
Garnett Weekly Journal.....	1876-1878	3
Garnett Plaindealer.....	1876-1878	3
Atchisonian, Atchison.....	1877	1
Atchison Banner.....	1878	1
Atchison Daily Free Press.....	1865-1868	8
Atchison Weekly Free Press (4 files each of 1866 and 1867).....	1865-1868	9
Champion and Press, weekly, Atchison.....	1868-1873	3
Atchison Daily Champion.....	1876-1878	6
Atchison Weekly Champion (1861 lacking).....	1858-1862	4
Atchison Weekly Champion.....	1873-1877	5
Squatter Sovereign, Atchison.....	1856	1
Atchison Courier.....	1876, 1877	2
Atchison Globe, daily.....	1878	1
Atchison Patriot, daily.....	1876	1
Atchison Patriot, weekly.....	1874-1878	5
Atchison Union (broken files).....	1859-1861	3
Kansas Zeitung, Atchison (duplicates of vol. 1).....	1857-1858	2
Arkansas Valley Democrat, Great Bend.....	1877, 1878	2
Great Bend Register.....	1876-1878	3
Inland Tribune, Great Bend.....	1876-1878	3
New Century, Fort Scott.....	1877	1
Fort Scott Monitor (1868-1876 lacking).....	1867-1878	4
Fort Scott Pioneer.....	1876, 1877	2
Hiawatha Dispatch.....	1876-1878	3
Kansas Herald, Hiawatha.....	1876-1878	3
Augusta Republican.....	1873, 1874	2
Southern Kansas Gazette, Augusta.....	1876-1878	3
Eldorado Press.....	1877, 1878	2
Walnut Valley Times, Eldorado.....	1874-1878	5
Chase County Courant, Cottonwood Falls.....	1875-1878	4
Chase County Leader, Cottonwood Falls.....	1875-1878	4
Chautauqua Journal, Sedan.....	1875-1878	3
Chautauqua News, Peru.....	1877, 1878	2
Border Star, Columbus.....	1878	1
Cherokee Index, Cherokee.....	1876, 1877	2
Columbus Democrat.....	1876	1
Republican Courier, Columbus.....	1876-1878	3
Empire City Echo.....	1877, 1878	2
Galena Miner.....	1877, 1878	2
Clay County Dispatch, Clay Center.....	1876-1878	3
Concordia Empire.....	1876-1878	3
Concordia Expositor.....	1877, 1878	2
Republican Valley Empire.....	1870-1872	3
Kansas Patriot, Burlington.....	1866-1868	2
Burlington Patriot.....	1876-1878	3
Burlington Daily Star.....	1878	1
Independent, Burlington.....	1876-1878	3
Neosho Valley Register, Burlington.....	1859, 1860	1
Arkansas City Traveler.....	1875-1878	3
Cowley County Telegram, Winfield.....	1876-1878	3
Winfield Courier (1875 lacking).....	1874-1878	4
Winfield Plow and Anvil.....	1876	1
Cherokee Banner.....	1878	1
The Young Cherokee, Cherokee.....	1876	1
Crawford County News, Girard.....	1876-1878	3
Girard Press.....	1874-1878	5

## BOUND NEWSPAPER FILES—CONTINUED.

<i>Newspapers.</i>	<i>Years.</i>	<i>No. vols.</i>
Junction City Union (triplicates of '75, '76, '77, '78).....	1865-1878	23
Junction City Tribune.....	1873-1878	6
Dickinson County Chronicle, Abilene.....	1876-1878	3
Kansas Gazette, Enterprise and Abilene.....	1876-1878	3
Elwood Free Press, Doniphan county.....	1858-1860	2
Doniphan County Republican, Troy (1873 lacking).....	1871-1875	5
Highland Sentinel.....	1878	1
Troy Reporter.....	1866-1867	1
Troy Weekly Bulletin.....	1877, 1878	2
White Cloud Chief (7 duplicates).....	1857-1872	23
Weekly Kansas Chief, Troy (1 duplicate).....	1873-1878	7
Wathena Reporter (1868-1873 lacking).....	1867-1877	5
Lawrence Standard.....	1877, 1878	2
Lawrence Republican (vol. 3).....	1859-1860	1
Republican Journal, Lawrence, daily.....	1877	1
Republican Journal, Lawrence, weekly.....	1869-1878	8
Spirit of Kansas, Lawrence.....	1875-1878	3
The Tribune, Lawrence, daily (1875 lacking; duplicates).....	1873-1877	8
The Tribune, Lawrence, weekly (1869, 1873 and 1875 lacking).....	1868-1878	6
Kansas Free State, Lawrence.....	1855, 1856	1
Herald of Freedom, Lawrence (4 copies of vol. 1).....	1855	4
Freeman's Champion, Prairie City, Douglas county.....	1857, 1858	1
Edwards County Leader, Kinsley.....	1877, 1878	2
Valley Republican and Kinsley Graphic.....	1878	1
Elk County Ledger, Elk Falls.....	1876, 1877	2
Weekly Examiner, Elk Falls.....	1878	1
The Courant, Howard City.....	1875-1877	3
The Courant-Ledger, Howard City.....	1878	1
Ellis County Star, Hays City.....	1876	1
Hays Sentinel, Hays City.....	1877, 1878	2
Ellsworth Reporter.....	1875-1878	4
Dodge City Times.....	1876-1878	3
Ford County Globe, Dodge City.....	1878	1
Ottawa Journal and Triumph (1875 and 1876 lacking).....	1873-1878	4
Ottawa Republican (1875 lacking).....	1874-1878	4
The Triumph, Ottawa.....	1876	1
Eureka Censorial.....	1876-1878	3
Eureka Herald.....	1876-1878	3
Madison Times.....	1878	1
Harvey County News, Newton.....	1876-1878	3
Newton Kansan.....	1876-1878	3
Zur Heimath, Halstead.....	1875-1878	4
Nachrichten, Halstead.....	1877-1878	2
Holton Argus.....	1877	1
Holton Express.....	1873-1875	3
Holton Recorder.....	1875-1878	4
Holton Signal.....	1878	1
Oskaloosa Independent.....	1870-1878	9
Sickle and Sheaf, Oskaloosa.....	1873-1878	6
Winchester Argus.....	1878	1
The Kansas New Era.....	1866, 1867	1
Valley Falls New Era.....	1873-1878	6
Jewell County Diamond, Jewell City.....	1876, 1877	2
Jewell County Monitor, Jewell Center.....	1876, 1877	2
Jewell County Monitor-Diamond.....	1878	1
Kansas Star, Olathe.....	1876-1878	3
Olathe Mirror.....	1866, 1867	2
Mirror and News-Letter, Olathe.....	1876-1878	3
Western Progress, Olathe.....	1876-1878	3
Cherryvale Leader.....	1877	1
Chetopa Herald.....	1876-1878	3
Daily Outlook, Parsons.....	1877	1
Oswego Independent.....	1876-1878	3
Southern Kansas advance.....	1876-1878	3
Parsons Eclipse.....	1876-1878	3
Parsons Sun.....	1876-1878	3
Home Record, Leavenworth.....	1876-1878	3
Kansas Freie Presse, Leavenworth, daily.....	1876	1
Kansas Freie Presse, Leavenworth, weekly.....	1876-1878	3
Kansas Herald, Leavenworth.....	1854-1859	5

## BOUND NEWSPAPER FILES—CONTINUED.

<i>Newspapers.</i>	<i>Years.</i>	<i>No. Vols.</i>
Leavenworth Appeal.....	1876-1878	3
Leavenworth Daily Commercial.....	1874-1876	5
Leavenworth Conservative, daily.....	1861-1868	16
Times and Conservative, Leavenworth, daily.....	1869-1870	3
Leavenworth Times, daily.....	1870-1878	17
Leavenworth Times, weekly.....	1876-1878	3
Public Press, daily, Leavenworth.....	1877	1
Public Press, weekly, Leavenworth.....	1877-1878	2
Saline Valley Register, Lincoln Center.....	1876-1878	3
LaCygne Weekly Journal.....	1876-1878	3
Border Sentinel, Mound City.....	1866-1874	8
Linn County Clarion, Mound City.....	1876-1878	3
Pleasanton Observer.....	1876-1878	3
Emporia Ledger.....	1876-1878	3
Emporia News.....	1865-1878	13
Florence Herald.....	1876-1878	3
School Galaxy, Marion Center.....	1877	1
Marion County Record, Marion Center.....	1875-1878	4
Peabody Gazette.....	1876-1878	3
Blue Rapids Times.....	1876-1878	3
Frankfort Record.....	1876-1878	3
Irving Blue Valley Gazette.....	1876-1878	3
The Marysville Enterprise (vols. 1 and 3).....	1866-1868	2
Marshall County News, Marysville.....	1876-1878	3
The Lantern, Marysville.....	1876	1
Blue Valley Telegraph, Waterville (1874-5 lacking).....	1870-1878	7
McPherson Independent.....	1876-1878	3
Beloit Gazette.....	1876-1878	3
Beloit Weekly Record.....	1877-1878	2
The Echo, Cawker City.....	1876-1877	2
Miami Republican, Paola.....	1876-1878	3
Western Spirit, Paola.....	1874-1878	5
Independence Kansan.....	1876-1878	3
South Kansas Tribune, Independence.....	1877-1878	2
Independence Courier.....	1874-1875	2
Workingman's Courier, Independence.....	1877-1878	2
Coffeyville Journal.....	1876-1878	3
Morris County Enterprise, Parkerville.....	1878	1
Morris County Republican, Council Grove.....	1876	1
Republican and Democrat, Council Grove.....	1876-1878	3
Nemaha County Republican, Sabetha.....	1876-1878	3
Seneca Weekly Courier.....	1875-1878	4
Chanute Times.....	1876-1878	3
Neosho County Record, Erie.....	1876-1878	3
Neosho County Journal, Osage Mission.....	1876-1878	3
Head Light, Thayer.....	1876-1878	3
Star of Hope, Urbana.....	1878	1
Osage County Chronicle, Burlingame.....	1873-1878	6
Lyndon Times.....	1876-1878	3
Osage City Free Press.....	1876-1878	3
Osborne County Farmer, Osborne City.....	1876-1878	3
Minneapolis Independent.....	1876-1878	3
The Sentinel, Minneapolis.....	1876-1878	3
Solomon Valley Mirror, Minneapolis.....	1873-1878	6
Larned Enterprise and Chronoscope.....	1878	1
Larned Press.....	1876-1878	3
Pawnee County Herald, Larned.....	1877-1878	2
The Kirwin Chief.....	1876-1878	3
Kirwin Progress, and Kirwin Democrat.....	1877-1878	2
Phillips County Herald.....	1878	1
Kansas Reporter, Louisville.....	1876-1878	3
Pottawatomie Chief, St. Mary's.....	1878	1
St. Mary's Times.....	1876-1877	2
St. Mary's Democrat.....	1878	1
Ink Slingers' Advertiser, Westmoreland.....	1878	1
Wamego Tribune.....	1877-1878	2
Rice County Gazette, Sterling.....	1876-1878	3
Weekly Bulletin, Sterling.....	1877-1878	1
Hutchinson Herald.....	1876-1878	3
Hutchinson News.....	1876-1878	3
The Interior, Hutchinson.....	1877-1878	2

## BOUND NEWSPAPER FILES—CONTINUED.

<i>Newspapers.</i>	<i>Year.</i>	<i>No. vols.</i>
Belleville Republic.....	1876	1
Belleville Telescope.....	1876-1878	3
Republic County Journal, Scandia.....	1877-1878	2
The Kansas Radical, Manhattan.....	1866-1868	2
Manhattan Independent.....	1866-1868	2
Manhattan Standard.....	1868-1870	2
Manhattan Homestead.....	1869-1878	7
The Industrialist, Manhattan.....	1875-1878	3
Manhattan Enterprise.....	1876-1878	3
The Nationalist, Manhattan.....	1876-1878	3
Stockton News.....	1877-1878	2
The Progress, and LaCrosse Eagle.....	1877-1878	2
Russell County Record, Russell.....	1876-1878	3
Farmers' Advocate, Salina.....	1876-1878	3
Saline County Journal, Salina.....	1876-1878	3
Salina Herald.....	1876-1878	3
Wichita City Eagle (1873 to 1876 lacking).....	1872-1878	4
Wichita Herald.....	1877-1878	2
Wichita Weekly Beacon.....	1874-1878	5
Daily Kansas Freeman, Oct. 24-Nov. 7.....	1855	1
Topeka Tribune, duplicate.....	1856-1861	7
Topeka Leader (1866-7, dup.).....	1866-1869	6
Kansas Educational Journal.....	1864-1873	9
Daily Kansas State Record (1 vol. lacking, 2 dup.).....	1869-1871	7
Weekly Kansas State Record (1873 lacking).....	1868-1875	6
American Young Folks, Topeka.....	1876-1878	3
Colored Citizen, Topeka.....	1878	1
Der Courier, Topeka.....	1878	1
The Commonwealth, daily, Topeka, from Dec. 31, '72; Sept. 20, '73, lack'g,	1872-1878	16
The Weekly Commonwealth, Topeka.....	1875-1876	2
Kansas Democrat, Topeka.....	1874-1878	5
Kansas Farmer, Topeka (1873 lacking).....	1867-1878	11
North Topeka Times.....	1871-1874	3
North Topeka Times.....	1876-1878	3
Topeka Times, North Topeka.....	1874-1875	1
Topeka Daily Blade (1874-1875 lacking).....	1873-1878	7
Topeka Weekly Blade.....	1876-1878	3
Smith County Pioneer, Smith Center.....	1876-1878	3
Oxford Independent.....	1876-1878	3
Sumner County Democrat, Wellington.....	1877-1878	2
Sumner County Press.....	1873-1878	6
Landmark, Alma.....	1873-1875	3
The Blade, Alma.....	1877	1
Wabaunsee County News, Alma.....	1876-1878	3
Western Independent, Hanover.....	1876-1877	2
Western Observer, and Washington Republican (broken files).....	1869-1870	1
Washington County Sun, and Hanover Democrat.....	1878	1
Washington Republican.....	1876-1878	3
Fredonia Tribune.....	1878	1
Wilson County Citizen, Fredonia.....	1871-1876	6
Neodesha Free Press.....	1876-1878	3
Woodson County Post.....	1873-1878	6
Weekly News, Yates Center.....	1877-1878	2
Wyandotte Gazette (1869 and 1873 lacking).....	1866-1878	9
Wyandotte Herald (1873 lacking).....	1872-1878	6
San Francisco Weekly Post, California.....	1878	1
Weekly Rocky Mountain News, Denver, Col.....	1878	1
Silver World, Lake City, Col.....	1878	1
Commercial Advertiser, Chicago, Ill.....	1878	1
Indiana State Journal, Indianapolis.....	1878	1
Davenport Gazette, Iowa.....	1878	1
Weekly Courier-Journal, Louisville, Kentucky.....	1878	1
Pioneer-Press, St. Paul and Minneapolis, Minn.....	1878	1
Kansas City Times, Missouri.....	1873-1878	8
Weekly Journal of Commerce, Kansas City.....	1878	1
St. Joseph Free Democrat.....	1860	1
American Journal of Education, St. Louis.....	1873-1878	6
St. Joseph Gazette, Missouri.....	1878	1
St. Joseph Herald, daily, Missouri.....	1876-1877	3
St. Joseph Weekly Herald, Missouri.....	1877-1878	2
Weekly Times, Cincinnati, Ohio.....	1878	1



## BOUND NEWSPAPER FILES—CONCLUDED.

<i>Newspapers.</i>	<i>Years.</i>	<i>No. vols.</i>
The Press, daily, Philadelphia, Pennsylvania.....	1878	2
Wisconsin State Journal, Madison.....	1878	1
New York Daily Tribune.....	1846-1853	9
New York Daily Tribune.....	1874-1876	4
New York Semi-Weekly Tribune.....	1871	1
New York Weekly Tribune.....	1870	1
New York American, semi-weekly.....	1827, 1828	2
New York Independent.....	1868-1870	2
Workingman's Advocate, New York.....	1844, 1845	1
The Jeffersonian, Albany, New York.....	1838, 1839	1
Organ and Reveille, daily, St. Louis.....	1851	1
Harper's Weekly.....	1877, 1878	2
Browne's Phonographic Monthly.....	1878	1

## KANSAS NEWSPAPERS.

The following is a list of Kansas newspapers and periodicals now published, January, 1879, nearly all of which are regularly received and preserved by the Society.

## ALLEN COUNTY.

The Humboldt Union, W. T. McElroy, editor and proprietor, Humboldt.  
Inter-State, Inter-State Publishing Company; A. D. Dunn, business manager, Humboldt.

The Iola Register, H. A. Perkins, editor and proprietor, Iola.

## ANDERSON COUNTY.

The Garnett Plaindealer, S. Kauffman, editor and proprietor, Garnett.  
Garnett Weekly Journal, G. W. Cooper, editor and proprietor, Garnett.

## ATCHISON COUNTY.

The Atchison Champion, daily and weekly, John A. Martin, editor and proprietor, Atchison.

Atchison Patriot, Daily and Weekly, H. Clay Park and Thomas Stivers, proprietors, Atchison.

Atchison Banner, C. F. Rurth, editor, Atchison.

The New West, monthly, published by Immigrant Union, Atchison.

Der Courier, Ed. Fleischer, editor, Atchison and Topeka.

The Globe, daily, by Howe; Dr. H. B. Horn, business manager, Atchison.

## BARTON COUNTY.

The Great Bend Register, A. J. Hoisington, editor and proprietor, Great Bend.

Inland Tribune, C. P. Townsley, editor and proprietor, Great Bend.

Arkansas Valley Democrat, J. B. Fugate, editor and proprietor, Great Bend.

The Ellinwood Express, Thos. L. Powers & Co., publishers; T. L. Powers, editor and business manager, Ellinwood.

Kansas Volksfreund, Philip Schmidt, editor and publisher, Great Bend.



## BOURBON COUNTY.

Fort Scott Monitor, daily and weekly, Monitor Publishing Company; W. C. Perry and Leslie Winter, editors, Fort Scott.

The Fort Scott Herald, David E. Caldwell, editor and publisher, Fort Scott.

Camp's Emigrant's Guide, monthly, C. Rollin Camp, editor and proprietor, Fort Scott.

Republican Record, S. A. Day & Co., publishers, Fort Scott.

## BROWN COUNTY.

Hiawatha Dispatch, W. T. Stewart, editor, Hiawatha.

Kansas Herald, S. L. Roberts, editor, and M. E. Foot, business manager, Hiawatha.

## BARBOUR COUNTY.

Barbour County Mail, M. J. Cochran, editor, Medicine Lodge.

## BUTLER COUNTY.

Southern Kansas Gazette, C. H. Kurtz, editor; C. H. and J. A. Kurtz, publishers, Augusta.

Walnut Valley Times, T. B. Murdock, editor and publisher, Eldorado.

The Eldorado Press, J. M. Satterthwaite, editor and publisher, Eldorado.

## CHAUTAUQUA COUNTY.

The Chautauqua Journal, H. B. Kelly, editor; Kelly & Turner, publishers, Sedan.

Chautauqua News, S. P. and C. E. Moore, publishers, Peru.

The Chautauqua County Times, P. H. Albright, editor, Sedan.

## CHASE COUNTY.

Chase County Leader, W. A. Morgan, editor and publisher, Cottonwood Falls.

Chase County Courant, W. E. Timmons, editor and publisher, Cottonwood Falls.

## CHEROKEE COUNTY.

The Columbus Courier, S. O. McDowell and M. H. Gardner, editors and proprietors, Columbus.

The Galena Miner, J. P. Nichols and A. W. McDowell, editors and proprietors, Galena.

Empire City Echo, D. W. Murphy, publisher, Empire City.

The Border Star, James Wilson, publisher, Columbus.

Short Creek Weekly Banner, Harry H. Webb, Galena.

The Times, J. F. McDowell, editor and proprietor, Baxter Springs.

## CLAY COUNTY.

The Clay County Dispatch, J. P. Campbell, publisher, Clay Center.

The Localist, — Buckingham, Clay Center.

## CLOUD COUNTY.

Concordia Empire, Harris E. Smith, editor, Concordia.

Concordia Expositor, J. S. Paradis, editor, Concordia.

The Clyde Herald, Beatty & Batchelder, publishers, Clyde.

## COFFEY COUNTY.

The Burlington Patriot, A. D. Brown, editor, Burlington.

The Burlington Independent, Armstrong & Watrous, publishers, Burlington.

## COWLEY COUNTY.

The Arkansas City Traveler, Nathan Hughes, publisher, Arkansas City.

The Winfield Courier, D. A. Millington and A. B. Lemmon, publishers, Winfield.

Cowley County Telegram, W. M. Allison, editor and proprietor, Winfield.

## CRAWFORD COUNTY.

Girard News, Eaton & Brown, proprietors, Girard.

Girard Herald, J. W. Womack, publisher, Girard.

Temperance Rural, St. Clair & Son, editors and proprietors, Cherokee.

The Girard Press, E. A. Wasser and A. P. Riddle, editors and proprietors, Girard.

## DAVIS COUNTY.

The Junction City Tribune, John Davis & Sons, editors and proprietors, Junction City.

The Junction City Union, S. S. Prouty, editor and publisher, Junction City.

The Youth's Casket, monthly, J. A. Truex, editor and publisher, Junction City.

## DICKINSON COUNTY.

The Dickinson County Chronicle, J. W. Hart, editor, Abilene; published by the Dickinson County Publishing Association.

The Abilene Gazette, V. P., J. W. and T. B. Wilson, editors and publishers, Abilene.

## DONIPHAN COUNTY.

The Sentinel, E. A. Davis, editor, Highland.

The Weekly Kansas Chief, Sol. Miller, editor and publisher, Troy.

## DOUGLAS COUNTY.

The Kansas Tribune, daily and weekly, J. E. Covel, editor and proprietor, Lawrence.

The Republican Daily Journal, and the Western Home Journal, weekly, T. Dwight Thacher, editor, Lawrence.

The Spirit of Kansas, by James T. Stevens, Lawrence.

The Lawrence Standard, daily and weekly, E. G. Ross, editor; H. C. Burnett, associate editor, Lawrence.

The Kansas Collegiate, monthly, W. H. Carruth, editor; W. H. Simpson, business manager, Lawrence.

The Kansas Monthly, J. S. Boughton, publisher, Lawrence.

The College Courier, H. C. Burnett, editor, monthly, Lawrence.

Our Schools, monthly, C. F. Forbes, Lawrence.

## EDWARDS COUNTY.

Edwards County Leader, W. T. Bruer, editor; W. T. Bruer and W. W. Wheeland, publishers, Kinsley.

Kinsley Graphic, W. R. Davis, editor and proprietor, Kinsley.

Kinsley Republican, C. L. Hubbs and F. P. Hallowell, editors, Kinsley.

Kansas Staats Zeitung, Doctor L. Rick, editor, Kinsley.

## ELK COUNTY.

The Courant, A. B. Steinbarger, editor and publisher, Howard City.

The Industrial Journal, J. G. Albright and J. A. Somerby, editors, Howard City.

## ELLIS COUNTY.

Ellis County Star, J. H. Downing, Hays City.

Hays City Sentinel, F. C. Montgomery, editor and proprietor, Hays City.

The Standard, W. P. Tomlinson, editor, Hays City.

## ELLSWORTH COUNTY.

Ellsworth Reporter, G. A. Atwood, editor and proprietor, Ellsworth.

Wilson Index, W. M. Risley, editor and proprietor, Wilson.

## FORD COUNTY.

Dodge City Times, N. B. Klaine, editor and publisher, Dodge City.

Ford County Globe, D. M. Frost and Lloyd Shinn, publishers, Dodge City.

Speareville News, J. J. Burns and H. P. Myton, editors and publishers, Speareville.

## FRANKLIN COUNTY.

Ottawa Republican, Amasa T. Sharpe, publisher and proprietor, Ottawa.

Ottawa Journal and Triumph, E. H. Snow, editor and publisher, Ottawa.

State Press, M. M. Bleakmore, editor and proprietor, Ottawa.

## GREENWOOD COUNTY.

Eureka Herald, G. F. Dunham and H. C. Rizer, publishers and proprietors; H. C. Rizer, editor, Eureka.

The Graphic, H. A. Clark, editor, Eureka.

## HARVEY COUNTY.

Das Neue Vaterland, H. V. Langeen, editor; Phil. Schmitz, publisher, Newton.

Harvey County News, J. S. Collister, editor and proprietor, Newton.

Newton Kansan, H. C. Ashbaugh, publisher, Newton.

Zur Heimath, semi-monthly, Western Publishing Company; David Goerz, editor, Halstead.

Nachrichten aus der Heidenwelt, Western Publishing Company, Halstead.

The Burrton Telephone, A. C. Bowman, editor and publisher, Burrton.

## HARPER COUNTY.

Harper County Times, W. O. Graham, editor and publisher, Harper.

Anthony Journal, J. S. Soule, editor and proprietor, Anthony.

## JACKSON COUNTY.

Holton Recorder, M. M. Beck and J. W. Shiner, editors and proprietors, Holton.

Holton Signal, W. W. Sargent, editor and proprietor, Holton.

## JEFFERSON COUNTY.

The Valley Falls New Era, G. D. Ingersoll, editor and proprietor; A. W. Robinson, local editor, Valley Falls.

Oskaloosa Independent, J. W. and F. H. Roberts, editors, Oskaloosa.

Winchester Argus, T. W. Gardiner, editor and proprietor, Winchester.

Sickle and Sheaf, B. R. Wilson, editor and proprietor, Oskaloosa.

## JEWELL COUNTY.

Jewell County Monitor-Diamond, M. Winsor, editor; By. J. Thompson, publisher; Thompson & Winsor, proprietors, Jewell Center.

## JOHNSON COUNTY.

Mirror and News-Letter, J. A. & H. F. Cannutt, publishers and proprietors, Olathe.

Western Progress, George Higgins, editor and publisher, Olathe.

Kansas Star, published at Deaf and Dumb Asylum, Olathe.

Olathe Leader, Leader Company, publishers; Samuel F. Ayers, manager, Olathe.

## KINGMAN COUNTY.

Kingman Mercury, J. C. Martin, editor and publisher, Kingman.

## LABETTE COUNTY.

Chetopa Advance, James M. Cavaness, editor and proprietor, Chetopa.

Oswego Independent, F. B. McGill, editor and proprietor, Oswego.

Parsons Eclipse, J. B. Lamb, editor and proprietor, Parsons.

The Sun, by H. H. Lusk, Parsons.

Infant Wonder, daily, by McCarter Bros., Parsons.

## LEAVENWORTH COUNTY.

Leavenworth Times, daily and weekly, D. R. Anthony, editor and proprietor, Leavenworth.

Kansas Freie Presse, daily and weekly, Ed. F. Haberlein & Bros., publishers, Leavenworth.

The Public Press, daily and weekly, C. H. Miller, publisher and proprietor, Leavenworth.

Leavenworth Appeal, J. E. Ewing, conductor.

The Workingman's Friend, James W. Remington, editor and publisher, Leavenworth.

Home Record, monthly, Mrs. C. H. Cushing, editress, Leavenworth.

The Orphans' Friend, monthly, J. B. McCleery, editor; Mrs. Thos. Carney, business manager, Leavenworth.

The Western Homestead, monthly, W. S. Burke, editor and proprietor, Leavenworth.

## LINCOLN COUNTY.

Saline Valley Register, A. C. Springer, J. F. Kline, and M. J. Watson, editors, publishers and proprietors, Lincoln Center.

## LINN COUNTY.

The Pleasanton Observer, J. A. Bacon, editor, publisher and proprietor, Pleasanton.

Linn County Clarion, S. M. Brice and T. B. Van Buskirk, publishers and proprietors; S. M. Brice, editor, Mound City.

La Cygne Weekly Journal, J. P. Kenea and Ed. C. Lane, publishers, La Cygne.

## LYON COUNTY.

The Emporia News, daily and weekly, Jacob Stotler and J. R. Graham, publishers, Emporia.

The Emporia Ledger, by W. F. Chalfant, Emporia.

The Sun, J. M. Davis, editor and proprietor, Emporia.

The Kansas Greenbacker, Spangler, Wood & Trask, proprietors, Emporia.

The Hartford Enterprise, Piatt & Buffington, Hartford.

The Educationalist, monthly, O. B. Wharton, A. W. Stubbs and B. T. Davis, editors and proprietors.

## MARION COUNTY.

The Peabody Gazette, W. H. Walker, editor and publisher, Peabody.

Florence Herald, H. D. Morgan, editor and publisher, Florence.

Marion County Record, E. W. Hoch, editor; W. F. Hoch, business manager; E. W. and W. F. Hoch, proprietors, Marion Center.

## MARSHALL COUNTY.

Marshall County News, Thos. Hughes, editor and proprietor, Marysville.

Frankfort Record, I. B. Smith & Son, editors and proprietors, Frankfort.

Irving Blue Valley Gazette, John Thompson, editor, Irving.

Blue Rapids Times, E. M. Brice, editor and publisher, Blue Rapids.

Blue Valley Telegraph, J. I. Reece, publisher, Waterville.

Kansas Pilot, monthly, C. E. Tibbets, publisher and proprietor, Blue Rapids.

## M'PHERSON COUNTY.

McPherson Independent, Geo. W. McClintick, publisher, McPherson.

McPherson Freeman, A. L. Clark and H. B. Kelley, editors and publishers, McPherson.

## MITCHELL COUNTY.

Beloit Gazette, Geo. W. Anderson, editor, Beloit.

Beloit Record, daily and weekly, Mark J. Kelley and James W. Heinicke, publishers, Beloit.

Beloit Weekly Democrat, Jos. B. Chapman, editor and publisher, Beloit.

Free Press, S. DeYoung, Cawker City.



## MIAMI COUNTY.

Miami Republican, J. H. Rice & Sons, editors, Paola.

Western Spirit, Carroll, Clark & Highly, publishers and proprietors, Paola.

Republican Citizen, G. A. Colton, editor and publisher, Paola.

Louisburg Herald, E. F. Heisler, editor and proprietor, Louisburg.

## MONTGOMERY COUNTY.

Independence Kansan, Geo. W. Burchard, editor and proprietor, Independence.

South Kansas Tribune, W. T. & C. Yoe, proprietors, Independence.

Workingman's Courier, Frank C. Scott, publisher, Independence.

Coffeyville Journal, W. A. Pfeffer, editor, Coffeyville.

Cherryvale Globe, Buffington & Hyatt, Cherryvale.

## MORRIS COUNTY.

The Council Grove Republican, Frank A. Moriarty, editor and proprietor, Council Grove.

Morris County Enterprise, V. G. Welch, editor and proprietor, Parker-ville.

## NEMAHA COUNTY.

Seneca Weekly Courier, West. E. Wilkinson, editor and proprietor, Seneca.

Nemaha County Republican, J. F. Clough, editor and proprietor; J. C. Hebbard, associate editor, Sabetha.

## NEOSHO COUNTY.

Neosho County Journal, J. H. Scott & Co., publishers; C. H. Howard, editor, Osage Mission.

Neosho County Record, G. W. McMillen, editor and proprietor, Erie.

Chanute Times, A. L. Rivers, editor and proprietor, Chanute.

Headlight, C. T. Ewing, publisher, Thayer.

## NORTON COUNTY.

Norton County Advance, M. W. Pettigrew, editor and publisher, Norton.

## OSAGE COUNTY.

Osage County Chronicle, J. E. Rastall, editor and proprietor, Burlingame.

Osage City Free Press, W. H. Morgan, publisher, Osage City.

Lyndon Times, R. A. Miller, and W. F. Miller, editors and proprietors, Lyndon.

## OSBORNE COUNTY.

Osborne County Farmer, F. H. Barnhart, editor and publisher, Osborne City.

## OTTAWA COUNTY.

Minneapolis Independent, Wm. Goddard, editor and proprietor, Minneapolis.

Sentinel, W. W. Hooper and Chas. Hoyt, editors and proprietors, Minneapolis.

Solomon Valley Mirror, monthly, C. C. Olney and F. M. Sexton, editors and proprietors, Minneapolis.

PAWNEE COUNTY.

Larned Press, R. H. Ballinger and Henry S. Tremper, proprietors, Larned.

The Optic, H. H. Doyle, editor and publisher, Larned.

Larned Chronoscope, H. Inman, editor, Larned.

PHILLIPS COUNTY.

The Kirwin Chief, A. G. McBride, proprietor; A. G. and W. H. McBride, editors, Kirwin.

Phillips County Herald, G. W. Stinson, editor, Phillipsburg.

Phillips County Democrat, O. J. Dennison, editor, Phillipsburg.

Solomon Valley Democrat, John J. McClimont, proprietor; Alexander McDonald, local editor and publisher, Kirwin.

POTTAWATOMIE COUNTY.

Kansas Reporter, Hick, Reed & Challiss, editors, Louisville.

Wamego Tribune, W. P. Campbell, editor; Campbell Brothers, publishers, Wamego.

Pottawatomie Chief, J. E. Clardy, editor and proprietor, St. Mary's.

The Onaga Journal, S. A. Stauffer, editor and proprietor, Onaga.

Pottawatomie County Herald, S. Fowler, editor, Louisville.

RICE COUNTY.

Rice County Gazette, E. Branson Cowgill, proprietor; E. B. Cowgill and Henry Cowgill, editors, Sterling.

The Weekly Bulletin, Chas. D. Ulmer, editor and proprietor, Sterling.

RENO COUNTY.

The Interior, Constant & Easley, editors and publishers, Hutchinson.

The Hutchinson News, Fletcher Meredith, proprietor, Hutchinson.

Hutchinson Herald, W. J. Turpen, editor, Hutchinson.

The Argosy, Nickerson.

REPUBLIC COUNTY.

Republic County Journal, A. B. Wilder, editor and publisher, Scandia.

Belleville Telescope, J. C. Humphrey, editor and proprietor, Belleville.

RILEY COUNTY.

The Industrialist, John A. Anderson, managing editor, Manhattan.

The Nationalist, Albert Griffin, editor and proprietor, Manhattan.

Manhattan Enterprise, A. L. Runyan, editor, Manhattan.

ROOKS COUNTY.

The Stockton News, J. W. Newell, editor, Randall Bros. & Co., proprietors, Stockton.

## RUSH COUNTY.

La Crosse Eagle, I. R. Kennemur, editor and proprietor, LaCrosse.  
The Blade, Gunn & Stumbaugh, editors and proprietors, Walnut City.

## RUSSELL COUNTY.

Russell County Record, issued by Dollison Bros., (Wm. F. and Jas. F.,)  
Russell.

Russell Independent, Tomlinson & Brown, Russell.

## SALINE COUNTY.

Saline County Journal, published by M. D. & L. E. Sampson, Salina.  
Swenska Herolden, Fr. Palme, editor, Herolden Stock Company, Salina.  
The Salina Herald, by B. J. F. Hanna, Salina.

Farmers' Advocate, Advocate Publishing Company; David Beebe and  
W. H. Johnson, Salina.

The Weekly Democrat, J. F. Clark & Co., Salina.

Kansas Central Land Journal, monthly, John W. Berks, Salina.

## SEDGWICK COUNTY.

The Wichita City Eagle, M. M. & R. P. Murdock, publishers and proprietors; M. M. Murdock, editor, Wichita.

The Wichita Weekly Beacon, Smith & White, proprietors, Wichita.

The Wichita Herald, Joseph W. Robbins, Robt. C. Deane & Greene, proprietors, Wichita.

## SHAWNEE COUNTY.

The Commonwealth, daily and weekly, by F. P. Baker & Sons, (F. P., N. R., C. C. and I. N. Baker,) Topeka.

Kansas Farmer, J. K. Hudson and E. E. Ewing, editors, Topeka.

American Young Folks, J. K. Hudson, Topeka.

Colored Citizen, Eagleson Brothers, publishers; W. L. Eagleson, editor; James M. Eagleson, business manager, Topeka.

The Kansas Democrat, T. W. Peacock, editor; T. B. and F. L. Peacock, associate editors, Topeka.

Topeka Blade, daily and weekly, George W. Reed, editor, publisher and proprietor, Topeka.

The North Topeka Times, Frank A. Root and George S. Irwin, editors and publishers, North Topeka.

The Kansas Methodist, monthly, Rev. James E. Gilbert and Rev. John D. Knox, editors, Topeka.

Kansas Valley Times, O. Leroy Sedgwick, editor and proprietor, Ross-ville.

## SMITH COUNTY.

Smith County Kansas Pioneer, Will. D. Jenkins, editor and publisher, Smith Center.

## SUMNER COUNTY.

The Sumner County Press, issued by Folks & Bishop; John H. Folks, editor, Wellington.

Oxford Independent, J. L. Abbott, editor and publisher, Oxford.

Caldwell Post, J. D. Kelly, jr., editor and publisher; T. H. B. Ross, associate editor, Caldwell.

Sumner County Democrat, Quigley & Leonard, publishers; W. Quigley and W. A. Leonard, Wellington.

#### WABAUNSEE COUNTY.

Wabaunsee County News, A. Sellers, editor and proprietor, Alma.

#### WASHINGTON COUNTY.

Washington Republican, J. B. Besack, publisher, Washington.

Hanover Democrat, J. M. Hood, editor, Hanover.

#### WILSON COUNTY.

Wilson County Citizen, John S. Gilmore, editor and proprietor, Fredonia.

The Fredonia Tribune, Douglas Hite, editor, Fredonia.

Neodesha Free Press, W. H. Chapman, jr., and G. E. Chapman, editors and proprietors, Neodesha.

#### WOODSON COUNTY.

Weekly News, Jones & Fry, publishers (G. W. Fry); W. H. Jones, editor, Yates Center.

Woodson County Post, H. Lyman, editor, Neosho Falls.

#### WYANDOTTE COUNTY.

The Wyandotte Gazette, W. B. Taylor, editor and proprietor, Wyandotte.

The Wyandotte Herald, V. J. Lane & Co., publishers, Wyandotte.

The Pioneer, U. F. Sargent and J. F. Rhoades, editors and proprietors, Kansas City, Kansas.

#### FOREIGN PUBLICATIONS.

The following newspapers and periodicals published outside of the State, are, with one exception, gratuitously contributed to the Society by the publishers, and are being bound and preserved. The magazine of American History is subscribed for:

San Francisco Weekly Post, California; Weekly Rocky Mountain News, Denver, Col.; Silver World, weekly, Lake City, Col.; Chicago Commercial Advertiser, Illinois; Indiana State Journal, weekly, Indianapolis; Weekly Courier-Journal, Louisville, Ky.; Pioneer-Press, weekly, St. Paul and Minneapolis, Minn.; Weekly Journal of Commerce, Kansas City, Mo.; The Kansas City Times, daily, Mo.; Western Review of Science and Industry, monthly, Kansas City, Mo.; American Journal of Education, St. Louis, Mo.; The St. Joseph Gazette, weekly, Mo.; St. Joseph Herald, weekly, Mo.; The Cincinnati Weekly Times, Ohio; Wisconsin State Journal, weekly, Madison; Browne's Phonographic Monthly, N. Y.; The Magazine of American History, monthly, N. Y.; New England Historical and Genealogical Register, Quarterly, Boston.

## NEWSPAPERS DONATED.

The following files of newspapers have been received by donation. The list includes a few files mentioned in the former publication:

From M. Weightman, Topeka: Leavenworth Daily Conservative, for 1861 and 1862, 4 vols. From S. S. Prouty, Topeka: Freeman's Champion, Prairie City, Douglas county, 1857; also, Burlington (Coffey county) Patriot, 1864, 1865, 1866, 1867. From D. W. Wilder, Topeka: Elwood Free Press and St. Jo. Free Democrat, 1858, 1859 and 1860; also, Kansas Educational Journal, Topeka, 1864 to 1873, 9 vols.; also, Kansas Farmer, 1867 to 1872, 5 vols. From Elias Smalley, Council Grove: Workingman's Advocate (N. Y.), 1844. From Hugh Cameron, Lawrence: Kansas Free State, Lawrence. From Dr. F. L. Crane, Topeka: New York Tribune, 1846 to 1851, 9 vols. From Wm T. Cavanaugh, Topeka: Organ and Reveille, St. Louis, 1851. From Frank A. Root, Topeka: Atchison Daily and Weekly Free Press, 1865 to 1868, 6 vols. From John A. Anderson, Manhattan: The Industrialist, Manhattan, vols. 1 and 2. From Hon. Sol. Miller, Troy: White Cloud and Kansas Weekly Chief, 1857 to 1875, 18 vols. From L. R. Elliott, Manhattan: Manhattan Standard, 1868 to 1870; Manhattan Homestead, 1869 to 1878; Manhattan Independent, 1867 and 1868; Kansas Radical, 1867 and 1868. From Robt. R. Moore, Topeka: Harper's Weekly, 1876 and 1877. From Dr. D. Dickinson, Topeka: From State Library, 68 bound files of Kansas newspapers, and 89 unbound files, which have been bound by the Society. From F. P. Baker, Topeka: New York Weekly Tribune, for 1870 and 1871; New York Independent, from November, 1868, to December, 1869, and from January, 1870, to June, 1871; New York American, for 1827 and 1828; Topeka Weekly Leader, from December, 1867, to April, 1869; Daily Commonwealth, for 1872, 1874, 1875, 1876, 1877 and 1878. From J. V. Admire, Osage City: North Topeka Times, vols. 1, 2 and 3, from March 16, 1871, to March 19, 1874. From V. J. Lane, Wyandotte: File of Horace Greeley's Jeffersonian (Albany, N. Y.), for 1838. From Hon. John S. Gilmore, Fredonia: Files of the Wilson County Citizen, from April 21, 1870, to December 29, 1876. From Geo. W. Martin, Topeka: The Junction City Union, from May 15,



1875, to May 5, 1878. From W. P. Campbell, Wamego: The Waterville Telegraph, from January 1, 1870, to June 13, 1873. From John Davis & Sons, Junction City: The Junction City Tribune, from August 14, 1873, to December 5, 1876. From Frank A. Root, North Topeka: The Holton Express, from April 12, 1872, to March 26, 1875. From Dr. F. L. Crane, Topeka: Copy of State Record, March 11, 1862. From Dr. W. S. Baker, Topeka: Copy of Vicksburg Citizen, July 2, 1863, (Confederate,) printed on wall paper. From Sylvester H. Clarke, Clyde, N. Y.: Copies of the Herald of Freedom. From O. H. Macauley, North Topeka: Fort Smith Pioneer, of September 10, 1863. From Joel Grover, Lawrence: Two copies Lawrence Tribune, July 14, 1855. From Mrs. Elizabeth Baxter, Auburn: Topeka Kansas Freeman, of January 9, 1856. From Dr. D. Dickinson, Topeka: Hartford Mercury, May 25, 1809. From Adolph Roenig, Tabor, Clay county: Leavenworth Freie Presse, June 2, 1879. From L. H. Bean, Independence, Kansas: Connecticut Journal, Jan. 25, 1797, and Connecticut Herald, Jan. 9, 1810. From Kenea & Lane, La Cygne: Linn County Weekly Press, Feb. 10, 1871. From F. G. Adams, Topeka: Two copies Kansas Farmer, May, 1863, and March, 1864. From Dr. Henry Plumb, Pleasanton: Linn County Weekly Press, Feb. 5. 1870. From Hon. P. I. Bonebrake, Topeka: Five first numbers, volume 1, Kansas State Journal, Lawrence, 1861. From John L. Marks, Topeka: Columbian Sentinel, April 19, 1799. From Frank A. Root, North Topeka: Leavenworth Times, extra, Dec. 1, 1859, speech of Martin F. Conway. From Mrs. Geo. W. Veale, Topeka: No. 1, vol. 1, Quindaro Chindowan, May 13, 1857. From Leland J. Webb, Winfield: New York Tribune, Oct. 21, 1859. From Hon. J. J. Ingalls, Atchison: Sumner Gazette, vol. 1, No. 1, 1857. From H. H. Tipton, St. Mary's, Kansas: 19 copies New York Herald, Sun, and Times, 1844 to 1866. From W. B. Taylor, Wyandotte: 100 copies of various Kansas newspapers, mostly of dates December, 1869, and January, 1870, collected by the late R. B. Taylor, in preparation for a newspaper history of Kansas. From Col. S. N. Wood, Elmdale: Seven copies Chase County Banner, 1859; also, four copies Kansas Press, Cottonwood Falls, 1859. From H. Buckingham, Concordia: Republican Valley Empire, 1870, 1871 and 1872.

## MAPS DONATED.

From F. G. Adams: Map of Geary City, 1857; map of Kansas, showing K. P. R. R. lands, 1863; map of Waterville, 1871; map of Chicago burned district, 1872. From Wm. Nicholson, Superintendent of Indian Affairs, Lawrence: Map of the Indian Territory, 1877. From T. C. Sears, Ottawa: Maps of the Missouri, Kansas & Texas Railroad. From J. C. Cooper, Topeka: Maps of Atchison, Topeka & Santa Fé Railroad, its lands and routes. From Sylvester H. Clarke, of Clyde, N. Y.: Map of Osawatomie; do. of Council City; do. of Eastern Kansas, Whitman & Searle, 1856; do. Ohio, Indiana, Illinois and Michigan, 1834; do. of Michigan, 1837. From Hon. P. I. Bonebrake, Topeka: Map of Delaware trust lands; plat of Topeka. From W. D. Blackford, Washington, D. C.: Geological Map of the United States, 1873. From Gen. A. A. Humphreys, Chief of Engineers, U. S. A.: Sixty-one maps of campaigns and battle-fields of the Rebellion. From S. J. Gilmore, Salina: Twelve maps of the Kansas Pacific Railroad lands. From A. Whitcomb, Lawrence: Map of Emporia and adjacent country. From P. B. Groat, Kansas City: Six maps K. P. Railway and routes. From Geo. T. Gilmore, Topeka: Map of Lyon county, 1863; do. of southern boundary of Kansas, 1857. From J. A. Williamson, Commissioner of Indian Affairs: Maps of Kansas, 1865 and 1866. From Ira I. Tabor, Holton: Map of Jackson county, 1876. From Samuel F. Atwood, Leavenworth, plats of Atchison, Dayton, Delaware, Geary, Kansas Falls, Lane, Lawrence, Leavenworth, Merrimac, Monrovia, Monticello, Osage, Princeton, Tecumseh, Wenona, Wyandotte, St. George, all in Kansas, 1855 to 1859; also, Map of Kansas; two Maps of Kansas and Nebraska; Map of Route to Gold Regions of Western Kansas; Map of Central Routes to same; Map of Route to Pike's Peak, Kansas; Map of Leavenworth County, 1865; Map of Delaware Trust Lands, 1856; Map of Delaware Lands of Leavenworth, Pawnee & Western Railroad. From A. D. Searle, Lawrence: First lithograph Map of Lawrence, 1854; Map of Lawrence, with eight portraits. From ———: Map of Denver City. From C. H. Lebold, Abilene: Map of Hays City and additions, 1878. From Secretary of Interior: Economic Map of Colorado; Geological Map of same. From W. L. Nicholson, Topographer, P. O. Department: Post-Route Map of Kansas and

Nebraska, 1878; do. of Colorado. From Rev. H. P. Case, Olathe: Map of Shawnee and Wyandotte Lands, 1857. From L. R. Elliott, Manhattan: Map of portion of Kansas—Riley county, etc. From Thos. H. Cavanaugh: Map of part of Kansas, showing Indian Reservation, 1857. From Hon. A. B. Lemmon: 167 weather maps, daily, from Nov. 17, 1872, to June 12, 1873. From Senator J. M. Harvey: Maps of the Military Survey of the Southern Boundary of Kansas, made by Col. Jos. E. Johnston, in 1857.

#### PICTURES.

Of the pictures brought into the collection, nearly all are illustrative of Kansas history, and are of a character to show that much may be done by this means to attract attention to the events of our early history, and to cultivate its study among the people. Our pictures have been chiefly gifts to the society, requiring only the expense of framing. The list is as follows: Procured by gift—From ex-Governor James W. Denver: Steel portrait of himself; photograph, do., cabinet size. From J. G. Sands, Lawrence: Photograph of a pen drawing of a part of Lawrence, in 1855, showing sod buildings—first church, first hotel, and Mr. Sands's business house. From W. H. Lamon, Lawrence: Photograph of the first house in Lawrence, 1854. From Robert R. Moore, Topeka: Photograph of first Kansas River bridge, at Lawrence; do. of First National Bank at Lawrence. From Col. D. R. Anthony: His portrait, steel engraving. From S. P. Tressler, Fort Scott: Eight photographs and stereoscopic views of historical buildings and scenery, at Fort Scott; photograph and stereoscopic view of the Osawatomie Insane Asylum; stereoscopic view of Osawatomie Monument. From L. R. Witherell, Davenport: Photograph of John Brown, jr., and Owen Brown, sons of Capt. John Brown. From F. G. Adams: Three photographic views in Atchison. From Frank A. Root: Wood-cut picture of "Cincinnati House," Lawrence, 1857. From Dr. T. S. Floyd: Photograph of first frame house in Harvey county. From C. T. K. Prentice, Lawrence: Lithographic portrait of Gen. James H. Lane. From Edward L. Pierce, Massachusetts: Photograph of Gov. Andrew H. Reeder, in the disguise in which he left Kansas in 1856. From Albert W. Walburn, Fort Scott: 22 photographs—chiefly historical views in Fort Scott, Topeka, and other points in Kan-

sas. From Capt. J. Lee Knight, Topeka: Three large monograms of the executive and judicial officers, and members of the Legislatures of 1869, 1870, and 1871. From Hon. R. M. Williams, White Cloud: Four colored photographs of groups of Sac and Fox and Iowa Indian chiefs, of Doniphan county, Kansas. From William E. Marshall, New York: Large engraved portrait of Geo. Washington. From P. B. Groat, Kansas City: Colorado resorts—two sets views. From Major T. J. Anderson, Topeka: Eight large, framed photographic views in Colorado. From Col. Thomas Wentworth Higginson, of Rhode Island: Daguerreotype of Topeka cannon and artillerymen, presented to the donor at Topeka, in 1856, by a member of the battery. From Mrs. F. P. Baker, Topeka: Twelve cabinet-size photographs of Kiowa, Comanche, Apache, Cheyenne and Wichita Indians, chiefs and others. From D. P. Greeley, Fort Scott: Two photographs of stone-age relics. From Hon. John Blair, Linn, Pa.: Photograph of coat-of-arms of Pennsylvania. From W. I. R. Blackman, Lawrence: Lithographic portrait of James H. Lane. From A. Whitcomb, Lawrence: Photographs of Breyman's sketches of battle of Hickory Point, and inside view of Lecompton prison. From Mrs. Mary E. Stearns, Medford, Mass.: Imperial photograph of Bracket's bust of John Brown, taken by order of Mrs. Stearns, in November, 1859, while Capt. Brown, in Charleston prison, was awaiting execution; also, large photograph portrait of Maj. Geo. L. Stearns, a noble benefactor of Kansas; also, daguerreotype of Col. James Montgomery. From Dr. A. H. Thompson, Topeka: Photograph of Navajo and Pueblo pottery. From Leonard & Martin, Topeka: Two large monograms of executive and judicial officers, and members of the Legislatures of 1876 and 1877.

Procured by purchase: With Webb collection, large crayon view of Lawrence, 1858; lithographic monogram of first Free-State Legislative Council, 1857; do., of House of Representatives; large lithograph of Breyman's sketch of inner view of Lecompton prison, 1856; cut of trial of John Brown; fancy piece, grouping, with John Brown as central figure; pencil sketch at mouth of Wakarusa; large photograph of Thaddeus Hyatt, with autograph inscription, from Washington prison, 1860; cut of Stephen A. Douglas. From T. M. Concannon: Ten photographic views illustrating Empire City, Cherokee



county; twenty-three photographs of Osage and other Indian chiefs. From Leonard & Martin: Monograms of the Kansas executive officers, supreme judges, and Legislatures of 1870, 1871, 1874, 1875, 1876 and 1877.

CURRENCY, SCRIP, AND COINS, DONATED.

From Dr. F. L. Crane, Topeka: Piece of Topeka State scrip, received in payment for rent, Oct. 1, 1856. From Dr. W. S. Baker, Topeka: Two pieces Confederate currency, 1864. From E. A. Popenoe, Topeka: Six pieces Confederate currency, one District of Columbia Bank bill, 1862. From Samuel F. Atwood, Leavenworth: Lot of "The City Bank" notes, Leavenworth, 1856. From Col. S. N. Wood, Elmdale: Piece of Confederate currency. From Hon. John J. Ingalls: 16 pieces Sumner City currency, 1858. From Warren Timmons, Piece of Continental currency, 1777; do. Pennsylvania scrip, 1775; do. Hungarian scrip, 1852. From W. W. Cone: Three pieces Confederate scrip, 1864. From Jas. M. Harr: Bank scrip W. H. R. Lykins, Lawrence, 1862. From Dr. D. Dickinson, Topeka: Piece of Connecticut currency, 1780. From Mrs. H. A. Louis, Topeka: Confederate \$100 note, 1862, with interest indorsements. From Samuel Rades: City Bank note, Leavenworth, 1856. From Robt. R. Moore: One Russian copper coin, 1860. From Hon. Ed. Russell: A copper coin, L. Cohen's advertisement, Leavenworth, 1863. From Hon. Isaac Sharp: One piece New Jersey currency, 1776; 4 pieces Pennsylvania do., 1772-3; 5 pieces Maryland do., 1774; 1 piece Delaware do., 1776.

ANTIQUITIES.

Prehistoric remains are not frequent in Kansas. But the subject of the collection and study of the works of the races existing in America previous to the aboriginal people first found here by white men, is becoming one of increasing interest year by year, with a prospect that sometime the mystery hanging about the origin and departure of such races may yet be solved. It is, no doubt, an appropriate work of our Society to gather into its collections as full a representation of specimens of the works of such races as may be found within the limits of Kansas. It is of still greater importance to bring into our collection objects illustrative of the habits and manners and customs of the Indian tribes who have been known to have lived in Kansas, and some of whom



have left a history marked with the blood of our pioneer settlers; a history of which it is no small part of the duty of the Society to gather up full and authentic materials. The specimens of which the following is a list, now on our shelves, are believed to belong in part to the prehistoric period; in part they may be implements and relics of the red men but just now passing away from our limits:

From Robert R. Moore, Topeka, a large stone hammer, quartzite, found in Topeka. From Aurelius Dickerson, Atchison, a finely-formed stone ax, found on the farm of Luther Dickerson, N. W.  $\frac{1}{4}$  19, 5, 21 E., near Atchison. From S. S. Prouty, Topeka, a flint arrow-head, found on the Davis county poor-farm, near Junction City. From the same, a stone pestle, eleven inches in length, formed from Dakota sandstone, found on the farm of Wm. Cutter, near Junction City. From John Morris, Topeka, a stone hammer formed from a water-worn quartz pebble, found near Dodge City. From F. G. Adams, Topeka, a large rudely-formed stone-hammer, found in the road near Holton; stone hammer, found near the Little Blue river, near Waterville; also, the following articles found at same place: A stone scraper, of flint; spear-head, of flint; knife, of flint; knife, of chert; knife or gouge, of jasper; knife, of jasper; two implements of quartzite; flint arrow-head; fragment of coarse pottery; also, a fragment of pottery found near Cawker City; also, fragments of human bones found in the ancient mounds near Fort Leavenworth.

#### MANUSCRIPT COLLECTIONS.

A valuable collection has been made of autograph letters and other manuscripts going to throw light upon the events of the early times in Kansas. Hon. Eli Thayer, the founder of the New England Emigrant Aid Company (the great agent in promoting Northern immigration in the earliest Territorial period), visiting Kansas in 1877, brought with him, and deposited in our collection, twenty-nine letters, written chiefly in 1854, 1855, and 1856, which show the part that organization had in the early peopling of Kansas, and who were the chief actors in the work of that company. Through correspondence with the present officers of that company, a large number of letters, reports, and other manuscript papers were also obtained, including two hun-

dred and thirty-two autograph letters, written by as many clergymen, throughout the Eastern States, in response to invitations made to them that they should become life-members of the organization by contributing money in aid of its work. The letters show many thousand dollars raised by this means to promote emigration to Kansas, and show to how great an extent the Kansas question affected the religious element of the country at that period, and how effectively that company, through the management of Mr. Thayer, reached the minds and hearts of the people, and enlisted their interest in Kansas affairs.

In this contribution are also many papers relating to the work of the Emigrant Aid Company in the relief of the settlers of Kansas from the destitution caused by the drouth of 1860, including letters written by contributors, copies of letters written by Geo. W. Collamore, the agent in the distribution, and letters, reports, etc., written in acknowledgment of contributions.

Other papers of much value in a Kansas historical collection are also in this contribution, and are elsewhere enumerated. For this contribution the Society is especially indebted to Hon. J. M. Forbes and Rev. Edward Everett Hale, of Boston.

Mr. Thaddeus Hyatt, of New York, who was in 1856 President of the National Kansas Committee, and who personally aided most generously in money and time spent in promoting immigration to Kansas during that and subsequent years, has deposited with the Society sixty-four letters written by Kansas men and by others prominent in the nation, showing how much Kansas affairs at that period had to do with national affairs, and how the struggle in Kansas afforded the subject of that discussion and agitation throughout the country, which rapidly brought to issue the slavery question in national conflict. The letters deposited by Mr. Thayer before mentioned are many of them of the same import. These letters in many instances contain matter which, at the time, the writers could not have made public. They are for this reason of a greater value now, as enabling the historian to rightly judge of the spirit of the times, and of the secret springs which moved men's actions.

Mrs. Mary E. Stearns, of Medford, Mass., widow of the late Major Geo. L. Stearns, who was one of the most generous and efficient of the benefactors of Kansas in its dark days, has contributed some very valuable manuscripts, among which are a

number showing the handwriting of Captain John Brown, and indicating work done by him in Kansas relief matters.

In the Webb collection are a number of manuscripts of value, which are mentioned in the list of that collection given elsewhere in this report.

The following is a list of the principal manuscripts, and the names of the donors:

From Dr. F. L. Crane, Topeka: 18 autograph letters, written by Col. C. K. Holliday, Gov. A. H. Reeder, and others, between the years 1855 and 1862; Plan of Topeka pile bridge, 1858; Subscription for same; Subscription for St. Joseph & Topeka Railroad; Treasurer's report of the same; Order of Gen. James H. Lane for Sharp's rifles; Deed of lot from Topeka Association to mill company; Road-tax receipt, favor of Dr. Crane, signed by F. W. Giles, Treasurer of Topeka Association, May 7th, 1855; Certificate of election to City Council, 1861.

From Robert R. Moore, Topeka: Letter from donor, from Fort McHenry, description of the Fortress, dated July 17th, 1864.

From F. G. Adams, Topeka: Letter of Judge Samuel D. Leconte to Deputy U. S. Marshal H. D. McMeekin, dated Jan. 18, 1856, accompanying warrant for the arrest of R. P. Brown, in order that he might be rescued from the hands of the Kickapoo Rangers, who afterwards killed him at Easton.

From Chas. S. Gleed, Lawrence: The original enrolled copy of the State Constitution, framed at Leavenworth in 1858—found among the papers of M. F. Conway, at Lawrence.

From W. B. Taylor, Wyandotte: 88 autograph letters, written by Kansas newspaper publishers and editors in 1869, relative to Kansas newspaper history.

From Hon. F. B. Hough, Lowville, N. Y.: Vindication of Gen. John Calhoun, written by Andrew H. Calhoun.

From Hon. Eli Thayer, Worcester, Mass.: 29 autograph letters concerning Kansas affairs, written by Chas. Robinson, Martin F. Conway, C. H. Branscomb, Gerrit Smith, George W. Brown, Isaac T. Goodnow, and others, 1854 to 1858.

From Capt. O. H. Macauley, North Topeka: Muster roll of Quindaro company, Kansas volunteers for protection of the polls, 1857.

From Gen. J. G. Blunt, Leavenworth: Paper relating to secretion of fugitive slaves, by Capt. John Brown, 1859.

From Maj. Henry Hopkins, Lansing: Original dispatch from Gen. James G. Blunt to Capt. Wm. Tholen, relative to Baxter Springs massacre, dated June 7, 1863.

From Frank A. Root, North Topeka: Memorandum of Jas. Redpath, inventory of emigrant train through Iowa to Kansas, 1856; speech of Hon. Tom A. Blake, of Jefferson county, in Legislature of 1860; printer's copy of J. M. Walden, editor of *Quindaro Chindowan*, 1858.

From Samuel K. Forsythe, Washington: Personal sketch of Capt. Henry J. Shombre; do. of Capt. James A. Harvey.

From S. E. Sweet, Topeka: Part of day-book of Jeremiah Sweet, of Rhode Island, 1805.

From R. S. Baxter: Partial vocabulary of Pottawatomie language, by Rev. Robert Simmerwell; hymn in Pottawatomie, by same.

From James Hanway, Lane: Reminiscences of Pottawatomie township, Franklin county; Raid of John Brown and Kagi into Missouri; Reminiscences of Brown and Kagi; Col. James Montgomery; Slave Hunters in Limbo; Kansas terms; Caught in his own trap; The Restitution, &c.; Evidence concerning the Pottawatomie tragedy; Routing of a Georgian camp near Osawatomie, August, 1856; Raid on the Pottawatomie settlement; Fight on Middle creek; Owen Lovejoys visit to Col. James Montgomery; Incidents connected with a squatter court in Linn county; 1856 and 1757—a retrospect; A Border Ruffian—An Abolitionist; A criticism of Gen. Blunt's account of the concealment of John Brown's last eleven fugitives; Statement of James Townsley respecting the Pottawatomie tragedy.

From Wm. H. Ambrose; Recollections of the incidents connected with the concealment of eleven fugitive slaves brought out of Missouri by John Brown, in 1859.

From John S. Hanway: Statement relative to the concealment of the eleven fugitives.

From Geo. A. Crawford: Census book of Empire City, Kansas, 1877. (Withdrawn by Gov. Anthony.)

From Thos. Hughes, Marysville: Record of the first court held in Marshall county, 1856, U. S. Judge Burrell, presiding; James M. McClosky, Deputy Clerk, and Frank J. Marshall, Deputy U. S. Attorney.

From John Grable, Wathena: A paper on finance, dated Feb. 5, 1878.

From Hon. J. M. Forbes, President N. E. Emigrant Aid Co.: Certified copy of act of incorporation of the company, 1854; Copy of report of survey of the Kansas river, in 1853, by Lieut. J. S. Tidball, U. S. A.; 232 letters of clergymen of the United States, in reply to invitation to become life-members of N. E. Emigrant Aid Company, by contribution of twenty dollars each, 1855; Plan of N. E. Emigrant Aid Company, by S. C. Pomeroy, 1855; Lists of names of third, fifth, sixth, seventh and eighth emigrant parties, 1855; Instructions to eighth party; Plan of distribution of relief contributions, by C. J. Higginson, 1860; 728 letters from contributors to Kansas relief, 1860-1; Copies of 281 letters written by Geo. W. Collamore, Relief Agent at Lawrence, 1860-1, in letter book; 352 letters, reports, etc., written by citizens of Kansas to Mr. Collamore relative to relief, 1860-1; commission of A. J. Mead, of Manhattan, as relief agent; Report of Geo. W. Collamore to Wm. P. Dole, Commissioner of Indian Affairs, relative to destitution of southern Indians, dated April 21, 1862.

From Thaddeus Hyatt, New York: 64 autograph letters to him, written in 1856, relative to Kansas affairs.

From Hon. J. S. Merriitt: Historical sketch of Pottawatomie county.

From Mrs. Mary E. Stearns, Medford, Mass.: Two autograph letters, written by Col. James Montgomery to Geo. L. Stearns, in May and June, 1861; Letter from Martin F. Conway to John Brown, dated Lawrence, Jan. 23, 1859, upon which are memoranda in handwriting of John Brown, pertaining to his last trip out of Kansas; List, and receipt dated Oct. 15, 1858, given by Conway to Capt. Brown, for 149 notes, for collection, from individuals to whom loans had been made by National Kansas Committee; Packages containing 64 notes, dated 1857, in favor of National Kansas Committee, for loans made through Capt. Brown; List of such notes, with memoranda of John Brown. (Maj. Stearns and Mrs. Stearns, working in the name of the Kansas committees, raised for Kansas, in 1856, more than \$70,000, themselves leading the donations with the largest contribution.)

From A. F. Callaghan: Autograph letters from Gov. Henry



A. Wise, of Virginia, to Geo. W. Perkins, dated April 8, 1859; Autograph letter from Henry Clay to Wm. H. Russell, dated Ashland, May 11, 1843; Letter from Geo. W. Perkins to editor of Leavenworth *Herald*, dated Denver, Col., June 1, 1861.

From Mrs. H. A. Webb, (Webb Collection): Six letters and cards relative to the Webb Collection; Letter of Chas. A. Foster, relative to Pottawatomie massacre, July 12, 1860; Letter from Capt. John Brown, from Charlestown, Virginia, to Hon. Thomas Russell, Oct. 21, 1859; Letter from John Brown to Dr. Thos. H. Webb, Nov. 30, 1859; Letter from John Brown, jr., to James Redpath, Feb. 23, 1860; Letter from John H. Kagi to R. J. Hinton, March 18, 1859; Letter from O. P. Andrews to R. J. Hinton, October 13, 1860; Letter from Hon. W. A. Phillips to James Redpath, to introduce R. J. Hinton, dated April 16, 1857; Letter from ——— to S. C. Pomeroy, May 14, 1855, anonymous; Statement from Thomas H. Webb, relative to Territorial election of March 30, 1855; Letter from Wm. J. Keller to Dr. Webb, concerning "Battle of the Spurs," Dec. 20, 1859; Letter of H. O. Wagoner to Wendell Phillips, Nov. 6, 1859; Draught of handbill.

From Hon. E. W. Robinson, Paola: Original agreement for exchange of prisoners between Captains John Brown and Samuel T. Shore, Free-State, and Captains Henry Clay Pate and W. B. Brockett, Pro-Slavery, after battle of Black Jack, dated June 2, 1856.

From Maj. Henry Inman: Letter from Gen. P. H. Sheridan to Maj. Inman, Nov. 3, 1868, found after the massacre by Indians of the two scouts who carried it.

From John Speer: Autograph receipt of Wm. C. Quantrill, to Torrey & Beeson, dated Stanton, Kansas, 1857.

From Chas. E. Hoyt: Copy of agreement of Wisconsin emigrants to Kansas, 1856; scrap of editorial copy, Cincinnati Enquirer.

From F. P. Baker: Monthly statement of mails sent from Topeka post office in 1857.

From A. S. Corey, Plowboy: Reminiscences of Quindaro and Wyandotte county.

From Col. John Ritchie: Account of the rescue of Dr. John Doy from the St. Joseph jail, with names of rescuers.

From Jacob Emmons, St. George, Kansas: Reminiscences of Pottawatomie county in 1857-8.

From Mrs. Geo. W. Lee, Manhattan: Incidents of Kansas life in 1855.

From Dr. E. Fisk, Geneva, Kansas: Events of the early settlement of Geneva, Allen county.

From Hon. A. B. Lemmon: History of Woodson county, by Mrs. S. E. Chase Jones.

From Capt. H. L. Dunlap: Account of Harvey's expedition to Leavenworth and Jefferson counties in September, 1856; Account of the defense of Lawrence, Sept. 14, 1856; Reminiscences of Leavenworth county in 1857.

From Thos. H. Cavanaugh: The papers and correspondence of the Kansas Central Relief Committee of 1874-5.

From H. L. Jones, Salina: Remarks upon early Kansas history.

From Mrs. Sara T. L. Robinson: Remarks upon F. B. Sanborn's statements as to John Brown in Kansas.

From G. W. Bertram, Oberlin, Kansas: List of wounded on the Solomon and Sappa, in Indian raid of 1878, written by Dr. A. W. Bariteau; also, prospectus of newspaper to be published in Decatur county.

From Wm. T. Cavanaugh: Miniature copy of certificate of incorporation of State Historical Society; also, historical memoranda of Coffey county.

#### THE WEBB COLLECTION.

The late Dr. Thomas H. Webb, of Boston, while in the discharge of his duties as Secretary of the New England Emigrant Aid Company, from 1854 to 1860, took pains to make a collection of such materials relating to Kansas as in his judgment would be of future historical value. These materials had been preserved by the family of Dr. Webb, who had signified a desire to have them transferred to Kansas upon some terms of sale. With a knowledge of this fact, the Legislature of 1877, in making an appropriation for the use of this Society, embodied a provision that the Webb collection should be purchased out of the appropriation, if it could be obtained at a cost not to exceed \$1,000. The Society succeeded in making the purchase at \$400. The collection is very valuable. The scrap-book compilation men-

tioned in the accompanying list, containing as it does a very full exhibit of the events transpiring in Kansas during the years 1854, '55 and '56, and giving a complete reflection of the sentiments of the press and of the public men of the whole country, North and South, upon the Kansas question, during those years of agitation, make up a collection of Kansas historical material the worth of which can scarcely be estimated in money. There are in these sixteen scrap-books over 3,000 broad pages of closely-printed matter of current newspaper report and discussion on Kansas, day by day and week by week, through that eventful period of the first three years in Kansas history. In the one book devoted to John Brown are accounts, statements and expressions of opinion from the newspaper press of the whole country, giving a large fund of information as to the hero of Harper's Ferry, and the facts and incidents in the life of that remarkable man. The following is the list of the Webb collection:

Seventeen large scrap-books, sixteen of which contain scraps cut from newspapers published, of dates from March 27, 1854, to September 6, 1856, all of which relate to Kansas and Kansas affairs. The other of the seventeen books contains scraps published from October 21, 1859, to December 12, 1860, relating wholly to John Brown and the Harper's Ferry raid.

A pamphlet of 68 pages, entitled "Prayer to James Buchanan," by Thaddeus Hyatt, in behalf of the people of Kansas, suffering from the effects of the drouth of 1860, and asking for the postponement of the land sales in Kansas, and other relief.

"A Tribute of Respect to John Brown," a pamphlet of 62 pages, published in Cleveland, 1859, containing a report of the proceedings of a meeting held in Cleveland, December 2, 1859, the day on which John Brown was executed, at Charlestown, Va.

History of the New England Emigrant Aid Company, with report of its operations, 33 pages, Boston, 1862.

The Topeka Constitution, a sixteen-page pamphlet, published at the Lawrence Republican office.

Opinion of Judge Samuel D. Lecompte, as to the constitutional power of the Territorial Legislature to locate the temporary seat of government of the Territory at the Shawnee Mission, 9 pages, printed by John T. Brady, Shawnee Mission, 1855.

Proceedings of the Convention at Big Springs, Sept. 5, 1855, 16 pages, Herald of Freedom, Lawrence, 1855.

Proceedings of Leavenworth Pro-slavery Convention, 8 pages, Leavenworth Herald, 1855.

Information for Kansas Emigrants, by Thomas H. Webb, 24 pages, Boston, 1855.

Historical Sketch of Leavenworth, by A. G. Hawes, 32 pages, Leavenworth Journal, 1857.

Report of Committee of the Maine Legislature on Kansas Affairs, 20 pages, 1857.

Two tracts: "Negro Slavery No Evil," by B. F. Stringfellow, and "Is It Expedient to Introduce Slavery into Kansas?" by Daniel R. Goodloe, 55 pages, Boston, 1855.

Organization of the Emigrant Aid Company, 24 pages, Boston, 1854.

Inaugural Address of Governor Robert J. Walker, 24 pages, Lecompton Union, 1857.

Report of Commissioners for the Investigation of Election Frauds, in the election of Dec. 21, 1857, and Jan. 4, 1858, under the Lecompton Constitution, 142-page pamphlet, Leavenworth Journal, 1858.

Copy of Wyandotte Treaty of 1855.

Kansas, Its Interior and Exterior Life, by Mrs. Sara T. L. Robinson, cloth, 366 pages, Boston, 1856.

The war in Kansas, G. D. Brewerton, cloth, 400 pages, New York, 1856.

The Conquest of Kansas, William A. Phillips, cloth, 414 pages, Boston, 1856.

Three Years on the Kansas Border, cloth, 240 pages, New York, 1856.

The Kansas Border, Max Greene, cloth, 192 pages, New York, 1856.

Kansas and Nebraska, Edward E. Hale, cloth, 256 pages, Boston, 1854.

Six Months in Kansas, Mrs. Hannah A. Ropes, paper, 231 pages, Boston, 1856.

The Englishman in Kansas, T. H. Gladstone, cloth, 328 pages, New York, 1857.

Kansas and Nebraska Hand-Book, N. H. Parker, cloth, 189, pages, Boston, 1857.

Kansas in 1858, William P. Tomlinson, cloth, 304 pages, New York, 1859.

Copy of Worcester's Elementary Dictionary.

The Covode Investigation, Washington, 1860.

Harper's Ferry Invasion, Report of Senate Committee, Washington, 1860.

Kansas Statutes, 1855, 1858, 1861.

House and Council Journals, 1857.

House and Senate Journals, 1861.

Sixteen handbills and posters relating to Kansas affairs, 1855-6-7.

Bill to suppress the Slaveholders' Rebellion, Washington, 1861.

Petition of Emigrant Aid Company to the United States Senate, 1855.

Petition to Gov. Geary for release of Lecompton prisoners, 1857.

Constitutional Convention Proclamation, 1855.

People's Proclamation, 1855.

Information for Emigrants, National Kansas Committee, Chicago, 1857.

Address to Emigrants, Parkville, Mo., 1857.

Address to Citizens of Missouri, by the New England Emigrant Aid Company, 1855.

Census List of Douglas County, 1857.

List of Members and Officers of first Territorial Legislature, 1855.

Kansas Rifles' Ball Ticket, Lawrence, 1855.

Notice of Meeting of Free-State Executive Committee, blank.

Circular of Pratt's Land Agency, Lawrence, 1856.

To John Brown: Cut, hymn, and acrostic.

Blank Appointment for Recruiting Companies for the Protection of the Ballot Box, 1857.

Richard Realf's poster, denouncing George W. Brown, 1857.

Blank check of Thaddeus Hyatt, from Washington jail, 1860.

Governor Robert J. Walker's Proclamation against the Lawrence independent-charter City Government, with comments thereon — Lawrence, 1857.

Proclamation burlesquing the above, 1857.

Copy of the Lawrence Independent Charter, 1857.

Copy of Territorial Law, Regulating the Interest of Money, 1855.

Plat of Lancaster, Atchison county, 1857.

Plat of Lawrence, 1854.



Plat of Topeka.

Map of the Kansas River.

Scrap Book of Proceedings of Wyandotte Constitutional Convention, by R. J. Hinton, 1859.

Reports of Committees of the same.

Four telegrams from Thaddeus Hyatt to A. A. Lawrence, George L. Stearns and others, from Atchison, relative to destitution in Kansas, 1860.

Telegram from S. C. Pomeroy to Thomas H. Webb.

Telegram from A. C. Twining to S. C. Pomeroy.

Manuscript of R. J. Hinton about "John Brown's Young Friends," (fragmentary).

Letter of Charles A. Foster about the Pottawatomie massacre, dated July 12, 1860.

Autograph letter from John Brown to Hon. Thomas Russell, Oct. 21, 1859.

Letter from John Brown to Dr. Webb, Nov. 30, 1859.

Letter from John Brown, junior, to James Redpath, Feb. 23, 1860.

Letter from Kagi to R. J. Hinton, March 18, 1859.

Letter from O. P. Andrews to R. J. Hinton, Oct. 13, 1860.

Letter from William A. Phillips to James Redpath, April 16, 1857.

Statement of Dr. Webb, concerning the first Territorial election.

Letter from William J. Keller to Dr. Thomas H. Webb, about the "Battle of the Spurs," Dec. 20, 1859.

Letter of H. O. Wagoner to Wendell Phillips, Nov. 6, 1859.

Copy of Charter of Emigrant Aid Company, 1854.

Large crayon drawing of the City of Lawrence, 1858.

Lithograph monogram of the first Free-State Legislative Council, 1857.

The same of the House of Representatives.

Lithograph of William Breyman's Sketch of the Inner View of the Lecompton Prison, 1856.

Wood cut representing the trial of John Brown, 1859.

Photograph of John Brown.

Photograph of Capt. Joseph Cracklin, of Lawrence.

Fancy piece, representation of John Brown.

Pencil sketch of mouth of Wakarusa, 1855.

Photograph of Thaddeus Hyatt, with autograph inscription, from Washington prison, 1860.

The candle box, which contained the returns of the elections of December 21, 1857, and January 4, 1858, under the Lecompton Constitution, found under a wood-pile, at Lecompton, February 2, 1858.

Herald of Freedom, vol. 1, (3 files) Lawrence, 1855 and 1856. The same, vols. 2 and 3, and eight numbers vol. 5.

Kansas Tribune, vol. 2, broken file, Topeka, 1857 and 1858.

Kansas State Journal, vol. 2, Lawrence, 1862.

Lawrence Republican, vol. 3, broken file, 1859 and 1860.

Freedom's Champion, Atchison, vols. 1, 2, 3, 5, 1858-1862, files nearly complete.

Atchison Union, vols. 1, 2 and 3, 1859, 1860 and 1861, broken files.

Kansas Zeitung, Atchison, vol. 1, (2 files,) 1857 and 1858.

Neosho Valley, Register, Burlington, vol. 1, 1859 and 1860.

Nebraska Palladium, Bellevue, vol. 1, 1854 and 1855.

Leavenworth Herald, scattered numbers from 1854 to 1859.

Leavenworth Journal, of February 19, 1857, containing the "Address of the Democratic Committee," appointed at the Lecompton Convention, of January 12, 1857.

White Cloud Chief, vol. 2, 1858 and 1859, broken file.

Wyandotte Commercial, a few numbers containing proceedings of Constitutional Convention, 1859.

Chase County Banner, Cottonwood Falls, three numbers, 1859 and 1861.

Manhattan Express, fourteen numbers, 1859, 1860 and 1861.

Manhattan Independent, five numbers, 1863.

#### MISCELLANEOUS.

From Dr. F. L. Crane: Certificate of service in Wakarusa war, in Capt. L. W. Horne's company, dated Dec. 1, 1855; circular of the American Settlement Company, relative to Council City, 1855; certificate of membership of Topeka Philomathic Institute, dated Feb. 9, 1856; memorial to Congress for admission under the Topeka constitution, 1856; call of the Council of Safety for a mass convention, June 9, 1856; roll of the Topeka Constitutional Convention, 1855; rolls of the Senate and House, Topeka Legislature, 1856; handbill for St. Jo. & Topeka Rail-

road meeting, August 24, 1858; notice of auction sale of Topeka share No. 100. From F. G. Adams: Carriers address, *Atchison Free Press*, 1866; Constitution of Kansas State Historical Society, 1867. From P. I. Bonebrake: Handbill of Kaw Trust Land sale, 1862. From Warren Timmons: Harrison badge, 1840; piece of Hungarian scrip, 1852. From W. W. Cone: Glass ink-stand, belonging to the family of Samuel Colt a hundred years ago; fragment of petrified wood, from farm of Wm. McCracken, Sedgwick county; a stone book, cut on Look-out mountain, 1865; piece of meteorite, found in Mitchell county, 1876. From Adolph Roenig: Indian arrow, from Fossil, Russell county, battle-field, 1869; pony's tail, from same. From Dr. J. H. Bonebrake: Metal seal of Lecompton city corporation, 1855. From Robert R. Moore: Indian stone hammer, quartzite. From Frank A. Root: Republican National and Massachusetts State Ticket, 1872; Atchison county election ticket, 1863; copy of Gov. Chas. Robinson's message to the Free-State Legislature, June 11, 1857; address of Leavenworth Constitutional Convention, April 3, 1858; ball ticket, Free-State Hotel, Lawrence, Jan. 29, 1858. From Thomas E. Milhoan: Demit of Adam Cockburn, dated Edinburgh, Scotland, May 2, 1865—killed by Indians at Wilson station, on the Kansas Pacific Railway, in 1867. From John L. Marks, Topeka: British musket, from Massachusetts arsenal. From J. C. Cooper, Topeka: Sample book of advertising matter of the Atchison, Topeka & Santa Fé Railroad, together with many maps, posters, circulars, tables of distances, etc. From V. J. Lane, Wyandotte: Registry notice and list of voters at Quindaro, 1859. From A. Whitcomb, Lawrence: Gov. Geary's original pardon of Milton Kinzler, a Hickory Point prisoner at Lecompton, dated March 10, 1857; 37 town company blanks, shares and lots of Kansas towns in 1855-7; 6 blank notes and checks, 185—; blank warrant on the treasury of the "Commonwealth of Kansas," 185—; do. "State of Kansas," 1856; blank receipt in favor of Geo. W. Dole, treasurer of National Kansas Committee, 1857; blank Territorial warrant, Lecompton; blank Territorial bond, Lecompton; constitution of the "Stubbs;" blank discharge from service in the defense of Lawrence, Nov.—, 1855; blank commission to organize companies for the protection of the ballot box, 1857, James H. Lane, organizer; Price Raid proclamation by Gov. Thos. Carney, 1864; Union League appeal,

1864; Richard Realf's handbill denouncing George W. Brown, 1857; ball ticket Kansas Rifles No. 1, Lawrence, Nov. 15, 1855; ball ticket, Lawrence, Dec. 31st, 1858; certificate of share in Manhattan Wool and Stock-Growers' Company, 1859; diploma of Douglas County Agricultural Society fair, October 6 and 7, 1859; Constitution of Lawrence Typographical Union, No. 73, 1866; calendar for 1860, O. Wilmarth, stationer, Lawrence; declaratory preëmption statement, Lecompton, 185—; blank certificate of filing; charter of the city of Lawrence, 1860; brief of W. H. R. Lykins, in Robitaille-float case, Lawrence; Message of Gov. Factotem, Lawrence, 1860; In Memoriam, Josiah C. Trask, 1863; officers Leavenworth Typographical Union, 1861; officers of Lawrence Union, 1864 and 1865. From P. B. Groat, Kansas City: Maps, posters, circulars, etc., of K. P. Railway. From Dr. S. O. Himoe: Cannon ball fired at the Free-State Hotel, Lawrence, May 21, 1856. From Charles Dahlgreen, Topeka: Price raid cannon ball, from the Big Blue, Mo. From Dr. J. P. Julian: J. Fairbanks' Poem, "The Pork Thief's Rally," from Herald of Freedom. From Chas. V. King: Copy of Pedro Ampudia's original proclamation, inviting U. S. soldiers to desert to the Mexican army, 1846. From Mrs. Mary E. Stearns, Medford, Mass.: Card containing Whittier's poem in memory of Major George L. Stearns; card containing remarks of Ralph Waldo Emerson on the character of George L. Stearns. From A. D. Searle, Lawrence: Rebel Flag captured by the First Kansas regiment at Austin, Mo., in 1861. From R. M. Chilcott: Immigration circular for Pottawatomie county, 1868. From E. W. Robinson, Paola: Election tickets voted at Bull Creek (Paola), March 30, 1855, and Dec. 21, 1857. From Senator Ingalls: Original tally lists of first Kansas Senatorial election, April 4, 1861. From R. H. Ballinger, Larned: Pawnee Indian bow, arrows and equipments. From Gen. John A. Halderman: Bottle of water from the Dead Sea, procured by himself in November, 1872. From Prof. Edward Daniels, of Virginia: Circular, Kansas Immigration Appeal, 1856; do., Information for Emigrants to Kansas, 1857; circulars relating to Industrial Home Company, Va., 1877. From A. A. Saunders, North Topeka: Bullet fired at Free-State Hotel, Lawrence. From Col. E. B. Whitman, Cambridge, Mass.: South Carolina flag, captured by Free-State men at Slough creek, Jefferson county, Sept. 11, 1856. From

Webb collection: The candle-box which contained the election returns under the Lecompton Constitution, of Dec. 21, 1857, and of Jan. 4, 1858, found by Col. Sam. Walker, Feb. 2, 1858, under a wood-pile, where it had been buried for concealment by L. A. MacLean, chief clerk of Surveyor-General Calhoun, who had been charged with the keeping and counting of the returns. From L. R. Witherell, Davenport, Iowa: Three rebel pikes, captured in Alabama, procured at Rock Island arsenal. From Col. Daniel H. Horne, Topeka: Commission, dated Jan. 22, 1855, issued by Gov. A. H. Reeder to Col. Horne as constable; also, commission issued by Gov. J. W. Denver to Col. Horne as constable, dated Aug. 16, 1858; commission issued by Col. Thomas Ewing, jr., to Col. Horne as sergeant-major of the Eleventh Kansas regiment, dated Sept. 15, 1862; receipt given by Capt. Thomas Bickerton to Col. Horne for the "cannon known as the Topeka gun," dated Oct. 4, 1861; two "Farmers' Almanacs" of 1812 and 1814, with marginal Diary of Major William Blake, of Dover, N. H., grandfather of Col. Horne; copy of Vol. 1, No. 1, of "Buck and Ball," published by the Eleventh Kansas regiment at Cane Hill, Arkansas, Dec. 6, 1862; a sample of the tea thrown overboard at the "Boston Tea Party," Dec. 16, 1773; the remains of a shell, which, fired from Rabb's battery, at the battle of Prairie Grove, Dec. 7, 1862, killed nine Confederate soldiers; half of a cannon ball fired by Sigel's men at the battle of Carthage; remains of a shell picked up on the battle-field of Pea Ridge.

#### FORMER DONATIONS.

In April, 1877, a list was published, embracing the collections of the Society made up to the first of that month; which list it is deemed best should be here repeated. It is as follows, with the exception of the newspaper files and antiquities, which are embraced in lists given in other portions of this report. The articles consist entirely of donations:

From Hon. Samuel A. Kingman: A journey Through Kansas, by Rev. C. B. Boynton and T. B. Mason, 1855; Geary in Kansas, by John H. Gihon, M. D., 1857; Kansas Annual Register, 1864, Andrew Stark, editor; Army of the Border, by Richard J. Hinton, 1865; Six Months in Kansas, by Mrs. Hannah A. Ropes, 1856; Conquest of Kansas, by William A. Phillips, 1856; Kansas, Its Exterior and Interior Life, Sara T. L. Robinson, 1856;



The Englishman in Kansas, T. H. Gladstone, 1857; The Kansas Region, Max Greene, 1856; Three Years on the Kansas Border, by a Clergyman, 1856; The War in Kansas, Brewerton, 1856; The Homestead Guide, F. G. Adams, 1873; Covode Investigation, 1860.

From Hon. Daniel W. Wilder: Annals of Kansas, D. W. Wilder, 1875.

From Hon. Alfred Gray: Kansas Agricultural Reports, 4 vols., from 1872 to 1875; Catalogue of British Exhibition, 1876; twenty volumes of Agriculture and other reports, from various States.

From Franklin G. Adams: Resources of Kansas, C. C. Hutchinson, 1871; The Philosophy of Truth, F. Holliday Burris, Leavenworth, 1863; Jefferson's Notes on Virginia, 1801; Cist's Cincinnati in 1851; Poll Book of Elections held in Atchison, August 3, 1857, under the Topeka Constitution, and on the adoption or rejection of the Lecompton Constitution, Jan. 4, 1858; maps of Kansas, 1857, 1862, and 1864; Reconnoissance from Fort Leavenworth to San Diego, Cal., through New Mexico, in 1848, Maj. W. H. Emory, U. S. A.

From Hon. Geo. A. Crawford: Proceedings of the Kansas State Editorial Association, 1875; a gavel made from wood taken from Constitution Hall, Philadelphia, presented to the Legislature of Kansas by Mr. Crawford, and ordered by the Senate to be placed in the keeping of the State Historical Society.

From Senator James M. Harvey: Kansas Affairs—Report of William A. Howard, John Sherman and Mordecai Oliver, Congressional Committee, 1856; Kansas Claims—Report of Edward Hoagland, Henry J. Adams, and Samuel A. Kingman, committee, 1859; Maps and Report of Survey of Southern Boundary of Kansas, by Lieut. Col. Joseph E. Johnston, 1859; Report of Capt. John C. Fremont's Exploring Expedition in 1842 and 1843.

From Geo. W. Martin: Historical Sketch of the Presbyterian Church in Kansas, by Rev. Timothy Hill, D. D., 1876; Anniversary of the Presbyterian Church in Junction City, 1872; Directory of the State Government of Kansas, 1877.

From Prof. J. B. Dunbar: Congregationalism in Kansas, by Rev. Richard Cordley, D. D., 1876; Memorial of Rev. William Todd, of Clay county, by Ruth S. Todd, 1874; the Great Revival in Topeka, by Mrs. J. G. Wood, 1872.

From Mrs. Peter Byram: Ottawa laws and gospel, by Jotham Meeker, 1850.

From Louis Schaeffer: Maps of survey of the military road from Fort Leavenworth to the Great Salt Lake, Utah, by Capt. Howard Stansbury, U. S. A., 1849-50.

From Eugene M. Cole: History of Kansas, and Emigrants' Guide, by J. Butler Chapman, 1855.

From Dr. Benjamin T. Reilley: Reports of the Commissioner of the General Land Office, 13 volumes.

From Hon. Joseph P. Root: Catechism of Money, by J. P. Root, 1876; Faith as a Distinctive Element, by the same.

From George C. Brackett: Report of Kansas State Horticultural Society, 1875.

From Dr. Edwin H. Grant: Reports of the Commissioners of Indian Affairs, 11 volumes.

From E. T. Carr: Proceedings of the Grand Chapter, Kansas, from 1866 to 1874; maps of survey of Fort Riley Reservation, showing location of the city of Pawnee, the first Capital of Kansas.

From Supt. William Nicholson: Reports of Board of Indian Commissioners, and of the general superintendency and proceedings of Council of Indian Territory, 8 volumes and pamphlets.

From S. D. Macdonald: Documentary History of New York, 10 volumes.

From Hon. Alfred Gray and Hon. Geo. A. Crawford: Fifty books and pamphlets, catalogues and lists of exhibits of other States and foreign countries at the Centennial, 1876.

From Matthew Weightman, Topeka: Minutes of the Annual Conference of the Methodist Episcopal Church, in Kansas, 1866, 1869, and from 1872 to 1876 inclusive.

From Ward Burlingame: His address before the Kansas State Editorial Association, 1871.

From W. S. Burke: His address before the Kansas State Editorial Association, 1874.

From W. S. Saunders: Topeka State warrant, 1856.

From A. D. Brown: Historical Address on Coffey County, by Gen. Harrison Kelly, 1876.

From E. W. Hoch: History of Marion County, by Hon. John W. Williams.

From James Wilson: History and Atlas of Johnson County, E. F. Heisler, 1874; Historical Sketch, by Oliver H. Gregg.

From Nelson F. Handy: Historical Sketch of Santa Fé, New Mexico, by W. F. M. Army, 1856.

From William Blair Lord: The gold pen with which the testimony was written in the investigation of Kansas troubles, by John Sherman, William A. Howard and Mordecai Oliver, Committee of the House of Representatives, in 1856.

From Dr. James Marvin: Catalogues and annual reports of the Kansas State University.

From C. W. Marston: Illinois Geological Report, vol. 5.

From Prof. G. C. Swallow: Missouri Geological Report, 1855.

From Prof. G. C. Broadhead: Missouri Geological Report, 1874.

From Dr. C. R. Pomeroy: Catalogues of Emporia Normal School.

From Prof. B. F. Mudge: Geology of Kansas, First Annual Report, 1866; Notes on the Tertiary and Cretaceous periods of Kansas, 1876.

From Hon. John J. Ingalls: Congressional Dictionary for 1876.

From other sources: Annual Reports of Commissioner of Education, 4 vols.; U. S. Agricultural Reports, 2 vols.; Miscellaneous Public Documents, U. S., 10 vols.; Topeka City Directories, 1870, 1871, 1872, 1873, 1874; Leavenworth City Directory, 1859-60; Atchison City Directories, 1860, 1861 and 1865; Missouri and Kansas Directory, 1867 and 1868; Blackburn's Kansas Directory, 1870; The Christian's Duty, a sermon, by Rev. John Bakewell, Topeka, 1875; An Oration before the University Literary Society, by M. W. Reynolds, 1876; Proceedings of the Ninth Annual Meeting of the Kansas State Sabbath School Association, Atchison, 1870; History and Statistics of Brown County, by Hon. E. N. Morrill, 1876; History of Anderson County, James Y. Campbell; History and Statistics of Jackson County, Hon. W. S. Hoaglin, 1876; Historical Sketch of Shawnee County by F. W. Giles, 1876; laws, public documents, and Legislative Journals of Kansas, from 1855 to 1877; The Rocky Mountain Locust—Proceedings of conference of Governors, at Omaha, 1876; Nebraska City, Historical Address by J. Sterling Morton, 1876; Oration by Henry Armitt Brown, on the One Hundredth Anniversary of the Meeting of Congress, Sept. 5, 1874; Irish Emi-

gration to the United States, 1873, Rev. Stephen Byrne, O. S. D.; Chinese Immigration, 1876, E. P. Thompson; Emigration au Kansas, Georges de Pardonnnet, Paris; Report of Capt. Henry D. Clayton, of Eufala, Ala., to the Alabama-Kansas Emigration Committee, 1856; The Institute Mirror, U. S. Parsons and R. M. Chilcott, Louisville, Kansas, 1876; History of Public Libraries in the United States, 1876; Report of Commissioner of Education, 1876; Reports of Vienna International Exhibition, 5 vols.

#### HISTORICAL PAPERS.

The effort made by the Society to induce the writing of local history, and of personal reminiscence, has accomplished much in that direction. Many persons, in response to applications made by the Society, have contributed articles to the local press, narrating events of the early times, and giving personal recollections of the founding of towns and settlements. Thus county, township and neighborhood histories have been written and published. In this way, many facts of great interest, before resting only in the memories of men, have been saved in connected form for the instruction of all future generations. Yet this work may be said to have only been begun. Many early settlers, who have undertaken the task of bringing upon record narratives of the early events of which they were participators, find no little difficulty in recalling correct data, and in bringing their statements into proper connection; and not a few who have promised the Society to give the public the benefit of their recollections, find that they are put upon much inquiry, involving months of time, in the fulfillment of their undertakings. The interest in this character of historical work, through the incitement given by our Society, is increasing. Newspapers vie with each other in procuring historical narratives to give to the public through their columns, and endeavor is made to enlist every old settler in the historical work. Local historical societies are being formed, and through them the pioneers of the neighborhood are brought upon the stage to instruct the youth and the newer settlers as to the manner of the planting, and of the early growth of the community. The study of local history is being carried into the work of our common schools, and essays on State, county and neighborhood history are required of teachers, by school examiners, and in turn are made the tasks of pupils

by the teachers. Thus the youth of Kansas are being made acquainted with the facts of the history of their own State, and are led to take pride in the sense of the fact that, although they were not privileged themselves to be the immediate founders of the State, yet they have the pleasure of hearing the stories of the trials and perils of the pioneer settlers from the lips of those who were among the first to engage in the task of bringing into culture the broad prairies of Kansas, and of planting the institutions of the State. Thus they are nurtured in a patriotic interest in the State of their birth or adoption, and are stimulated to noble exertion in aiding to carry forward the work which they see is, in comparison, scarcely begun, and of which they will be looked upon by the next generation as having been almost among the beginners.

The following is from one of several circulars issued by the Society during the last few months in relation to the writing of local history and individual narrative. As the suggestions contained have lost none of their importance, they are here repeated:

“During the past few months the Kansas State Historical Society has invited a large number of persons to prepare papers upon topics of Kansas history; to be read as lectures, or to be published or filed with the manuscript collections of the Society. In response to such invitations, many such papers have been promised. A considerable number have been already prepared; some have been read as lectures, some have been published in the local newspapers, others have been filed, some have been published in pamphlets. Many of the persons who have undertaken the preparation of such papers have not yet completed their undertaking. The topics chosen are in many instances of such a character as to require much research and inquiry for correct data, as to names, exact locality, precise dates, and the correct order of occurrences. This takes time. It is more important that historical papers should be correct in these particulars, than that they should be prepared early. It is important that the work of getting in writing the memories of the pioneers of Kansas should be pushed forward vigorously now; but it is quite essential that what is written should be correctly written. Hence those who have promised historical papers have not been urged to haste in the matter. It is only hoped that they will, in such time as due regard to accuracy and completeness of detail will admit of, prepare their papers.

“What has been accomplished by the Society through this means of direct request made upon individuals gives great encouragement to continue this line of work. It is desired that those who would contribute to the usefulness of the Society should furnish the Secretary with names of persons competent to prepare such papers; of old settlers especially, par-



ticipants in, or witnesses of, important events; or of others, who have within their knowledge through any means important facts of early Kansas history, in order that such may be personally requested to put their narrations in writing. It is desired that none should wait for such personal requests. It is impossible by any present means that the officers of the Society should be able to reach a majority of those most capable of doing this kind of work; so far as practicable it will be done, leaving it for voluntary contribution to do the rest.

"Kansas has had a most eventful history. The only trial the institutions of the country for a century had, as to the power of national perpetuity, was begun, and for years was waged with strife and bloodshed, on Kansas soil, before the country became involved in the struggle. The student of the history of that struggle will study with discriminating care every incident and circumstance occurring in Kansas during that period.

"The history of that period is closely supplemented by that pertaining to the part which Kansas took in the national struggle. The war history of Kansas has never been written, except in very brief and incomplete outline. It is time such history were written in detail, in personal observation and experience; by regiment and company, by campaign and battle, and in the biographies of the brave men who gave their lives in the service, or who have since passed from among us.

"Our frontier counties all have a thrilling Indian history, many of the events of which were never written, and few of which have had more than a meager record. Every neighborhood, township and county has a history of pioneer events, and of material, social and moral growth and development.

"Our State lies on the dividing line, separating the agricultural basin of the Mississippi valley from the pastoral and mining regions, stretching toward the Pacific Ocean. Through the long period of colonial times, and reaching into the present century, Kansas was disputed territory—a field of exploration, of adventure, and of commerce for people of adverse nationalities, Frenchmen and Spaniards. When our people came to make their homes here they found our beautiful plains checkered over with the trails of such exploration, adventure and commerce, and with the trails of that emigration which had been passing beyond, to Utah, Oregon, and California. Every old trail, the furrows of many of which are not yet obliterated, has its story; incidents of which, not yet told, are still within reach. Those stories reach back and recall the history of the whole country, intertwining Kansas history with that of the progress of settlement and the spread of our civilization across the continent. Kansas history will not be complete without that of the Kansas trails as a framework. The range of topics for the pens of those who would contribute to the store of materials of Kansas history is very broad. All who can, are earnestly invited to make contributions.

"The youth of Kansas should be informed of the relations of Kansas history to that of the country. The future generations of our people will with intensest interest study the events of our pioneer history. Our rapidly

incoming new population now eagerly inquire for the truth of that history. The record made up will be a most credible one, contributing to just pride of citizenship, and inviting all to praiseworthy exertion in carrying forward the work of building up the State in moral and material greatness."

But many of the earliest pioneers are so unaccustomed to writing, that the task of putting upon paper their most valued recollections need never be expected to be performed by them. This is especially true of those survivors of the Indian occupancy, before the settlement by white men. A few of the Frenchmen, educated Indians, and others who were engaged as missionaries or otherwise, among the Indian tribes from very early periods, are still lingering in Kansas, or on our borders. Such must have in their memories mines of unwritten history respecting the government and other early explorations, overland emigration, and military and Indian operations in pre-Territorial times. It is undoubtedly one of the most important duties of the Society to visit such persons at their homes, and take in writing their narratives and recollections. Hitherto it has not been within the means of the Society to carry out this important work. It is hoped this lack of means will not continue to exist.

In this connection, it may be remarked that the work of the Society is greatly increasing on its hands. Experience hitherto had in searching for the materials of Kansas history has scarcely resulted in more than opening up the lines of research and inquiry which should be prosecuted, involving much correspondence and the persevering prosecution of traces by which original letters, documents and proceedings of societies in the East, and throughout the country may be obtained. Such papers are no doubt in the possession, in many instances, of persons in the East who were active in national affairs more than twenty years ago, and of others who were recipients of letters and papers relating to those affairs in Kansas which at that period interested all thoughtful persons; or such papers should be in the keeping of the families of those who have since passed away. A beginning has been made in gathering materials of Kansas history from these sources, enough to indicate the wealth of such materials which may be obtained.

#### REPORT OF SECOND ANNUAL MEETING.

The second annual meeting of this Society was held January 22, 1878, when the following proceedings were had:

Hon. Geo. A. Crawford, President of the Society, called the meeting to order, and stated its objects.

F. G. Adams, Secretary, read a statement of the financial affairs of the Society during the year, as follows:

RECEIPTS.	
Legislative appropriation.....	\$3,000 00
Receipts from other sources.....	26 15
Total.....	\$3,026 15
EXPENDITURES.	
Blank books.....	\$32 00
Binding.....	36 55
Printing and stationery.....	149 45
Services of Secretary.....	237 50
Shelving.....	39 49
Postage, freight and expressage.....	154 32
Books and newspaper files.....	42 95
Miscellaneous.....	91 60
	783 86
Balance unexpended.....	\$2,242 29

On motion of Hon. John Francis, a committee of three was appointed by the chair to examine and report upon the accounts of the Society, as follows: Geo. W. Martin, J. B. Fithian, and W. T. Cavanaugh.

Hon. D. W. Wilder moved the appointment of a committee to recommend persons to be chosen as members of a Board of Directors for the ensuing year. Carried; and the committee was appointed, as follows: D. W. Wilder, Frank A. Root, and M. Weightman.

The committee on accounts, through the chairman, reported that an examination of the accounts of the Treasurer, and the vouchers of the Secretary, showed everything to be correct.

The chairman of the committee on nominations, Mr. Wilder, reported the nomination of the following persons as members of a Board of Directors for the ensuing year, namely: Geo. A. Crawford, F. P. Baker, John A. Martin, F. G. Adams, John Francis, C. K. Holliday, and Charles Robinson.

On motion, the Secretary was instructed to cast the ballot of the members for the persons so nominated. The ballot having been cast, the President declared the persons named to have been duly elected to serve the Society as a Board of Directors for the year next ensuing.

On motion, the meeting adjourned.

#### SYNOPSIS OF PROCEEDINGS OF BOARD OF DIRECTORS.

At a meeting of the Board of Directors, held Jan. 23, 1878, the following were elected as officers of the Society for the year

then next ensuing: John A. Martin, President; F. P. Baker, Vice President; John Francis, Treasurer; F. G. Adams, Secretary.

At a meeting of the Board held Dec. 26, 1878, the subject of a revision of the constitution was considered, and the terms of such constitution having been agreed upon by the Board, the Secretary was directed to prepare a copy of the same for the consideration of the members of the Society at the ensuing annual meeting.

The following resolutions were also adopted at the same meeting of the Board:

*Whereas*, The great services of Hon. Eli Thayer in behalf of the freedom of Kansas, deserve some mark of recognition, as they command the gratitude of the people of our State: therefore,

*Resolved*, That steps be taken to procure his bust or statue, to be placed in position in the rooms of the Kansas State Historical Society, as a perpetual memorial.

*Resolved*, That the Secretary be authorized to open up correspondence with a view to procuring such bust or statue, and that he report the result of his correspondence to this board.

The Secretary read the report of the finances of the Society for the year ending January 21, 1879, as follows:

#### FINANCIAL STATEMENT.

The receipts into the treasury during the past year, as shown by the Treasurer's report, including the balance of the previous year, have been \$2,244.29, and the disbursements \$1,940.95; leaving an unexpended balance, January 21, 1879, of \$303.34. The expenditures have been for the objects and in the sums following:

Services of the Secretary.....	\$300 00
Assistance.....	130 00
Traveling expenses.....	45 40
Purchase of newspaper files.....	186 20
Purchase of books.....	154 20
Purchase of Webb collection, and freight on same.....	418 25
Framing pictures.....	136 30
Printing.....	115 70
Binding.....	285 65
Postage, freight and expressage.....	121 70
Shelving, etc.....	47 55
Balance unexpended.....	303 34
Total .....	\$2,244 29

Hon. Geo. A Crawford offered the following resolution, which was adopted:

*Resolved*, That the Board of Directors of the Society be and is hereby instructed to transmit the reports of the Secretary and Treasurer of the

Society to the Governor, with the request that the same may be submitted to the Legislature for such action as may be deemed best.

Col. D. R. Anthony offered the following resolutions :

*Resolved*, That in Eli Thayer this Society recognizes one whose acts in organizing, promoting and sustaining emigration to Kansas Territory are worthy of the highest recognition by the people of Kansas.

*Resolved*, That the Society approves the action of its Board of Directors in corresponding with the friends of Mr. Thayer, in reference to procuring a bust of that distinguished and philanthropic friend of Kansas, to be placed in the rooms of the Society.

*Resolved*, That it is the desire of the Society to obtain such bust, as a most fitting memorial of the services of one whose memory should ever be cherished with the highest gratitude by the people of Kansas.

The resolutions were unanimously adopted.

Col. Anthony moved that the Treasurer's report be adopted without being read ; but on motion of Col. Holliday, it was referred to the incoming Board of Directors.

The Secretary read the action of the Board of Directors in regard to the Constitution, and also read the Constitution, which was amended and adopted.

On motion of J. C. Hebbard, a committee of five, consisting of J. C. Hebbard, C. K. Holliday, Chas. Robinson, and D. R. Anthony, was appointed by the President to nominate a Board of Directors, as provided for by the constitution.

The committee reported the names of the following persons as a Board of Directors of the Society, and on motion the report was adopted :

S. A. Kingman, C. Robinson, D. R. Anthony, C. K. Holliday, J. C. Hebbard, D. W. Wilder, G. A. Crawford, J. A. Martin, Sol. Miller, E. N. Morrill, Jacob Stotler, F. P. Baker, F. G. Adams, J. P. St. John, John Francis, A. H. Horton, P. I. Bonebrake, T. D. Thacher, B. F. Simpson, J. F. Legate, John Speer, S. N. Wood, M. W. Reynolds, J. L. McDowell, J. M. Harvey, P. B. Plumb, J. J. Ingalls, W. A. Phillips, Ed. R. Smith, Charles W. Leonhardt, D. E. Ballard, W. W. Guthrie, George Graham, Jas. Blood, A. G. Barrett, Robert Crozier.

Mr. Baker moved that the Board of Directors meet at 9 o'clock Thursday morning, Jan. 23, in the rooms of the State Historical Society. Carried.

On motion, the Directors were instructed to arrange for a series of lectures to take place in Topeka during the winter.

The meeting then adjourned.



## MEETING OF THE BOARD OF DIRECTORS.

At the meeting of the Directors of the Society held at the Society's room at the State House, on Thursday, the 23d of January, 1879, the following members were present, and took the oath of office, before A. Hammatt, Clerk of the Supreme Court, namely :

Geo. A. Crawford, C. K. Holliday, F. P. Baker, E. N. Morrill, S. A. Kingman, Chas. W. Leonhardt, M. W. Reynolds, D. R. Anthony, P. I. Bonebrake, J. M. Harvey, Jno. Francis, Jno. A. Martin, John Speer, D. E. Ballard, C. Robinson, F. G. Adams, James L. McDowell.

Col. Jno. A. Martin, President of the Society, presided.

On motion of Col. Holliday, the Board proceeded to the election of officers for the ensuing year.

Senator Morrill nominated Hon. F. P. Baker for the office of President.

Mr. Baker declined being a candidate, and nominated ex-Governor Chas. Robinson.

Governor Crawford seconded the nomination of Governor Robinson for President. He moved that Mr. Baker be authorized to cast the unanimous vote of the Board for Governor Robinson.

The motion was carried unanimously, and sixteen votes were cast, and Governor Robinson was declared elected.

Mr. Baker nominated Col. C. K. Holliday for one of the Vice Presidents. Col. D. R. Anthony was also nominated. The ballot resulted in the election of Col. Anthony and Col. Holliday for the two Vice Presidents, by the following vote: Anthony, 14; Holliday, 14.

Governor Crawford moved that Governor Harvey be authorized to cast the unanimous vote of the members for F. G. Adams, as Secretary. The motion was carried, and the vote was cast accordingly.

On motion, the Secretary was instructed to cast the unanimous vote of the members for John Francis, for Treasurer. The motion prevailed, and 16 votes were so cast, and Mr. Francis was declared elected.

Estimates for an appropriation for the use of the Society were considered, and on motion of Mr. Bonebrake, the President, Secretary and Treasurer were appointed a committee to present the same to the Legislature.

Col. Holliday moved that a committee of three be appointed to examine the Treasurer's annual report, and the financial report of the Secretary, and report upon the same. Carried; and Col. Holliday, Col. Ballard and Governor Harvey were appointed such committee.

On motion of Judge Kingman, a drawing was had for a selection of members of the Board to serve for the terms of one and two years respectively, in accordance with the provisions of the constitution. The drawing resulted as follows:

For the term of one year: P. I. Bonebrake, P. B. Plumb, T. D. Thacher, Geo. Graham, C. K. Holliday, George A. Crawford, Samuel Wood, Jacob Stotler, C. W. Leonhardt, M. W. Reynolds, A. G. Barrett, Robert Crozier, J. L. McDowell, John J. Ingalls, W. W. Guthrie, F. G. Adams, J. M. Harvey, J. C. Hebbard.

The following names were drawn for the term of two years: D. W. Wilder, James F. Legate, Benjamin F. Simpson, D. R. Anthony, John Speer, E. N. Morrill, D. E. Ballard, F. P. Baker, Ed. R. Smith, James Blood, Albert H. Horton, Chas. Robinson, Samuel A. Kingman, W. A. Phillips, J. P. St. John, Sol. Miller, John Francis, John A. Martin.

Gov. Crawford moved that a course of historical lectures be organized, to be delivered in Topeka during the present winter, and that the Secretary of the Society be instructed to perfect arrangements for the same. Carried.

Col. Holliday, from the committee to examine the Secretary's and Treasurer's financial statements and vouchers, reported that the committee had carefully performed the duties assigned them, and found said accounts to be correct.

On motion, the Secretary was instructed to communicate to the friends of Hon. Eli Thayer, of Massachusetts, the action of the Society at the late annual meeting in reference to procuring a bust of Mr. Thayer, and to report the result of the correspondence at the next meeting of the Board.

Colonel Holliday offered the following resolution, which was adopted:

*Resolved*, That it is the desire of this Society to have placed in its rooms the portraits of the Governors of Kansas since the organization of the State Government; and that the Secretary of the Society be instructed to invite the friends of such Governors to coöperate with the Society in procuring such portraits to be placed in its gallery, to the end that the memories of

the distinguished individuals holding the high office may be perpetuated among the people.

Mr. Speer moved that the same invitation be extended to the friends of those who were honored with the office of Governor during the Territorial period, and also to the friends of the members of Congress and of the United States Senate since the organization of the State. Carried.

On motion, the meeting adjourned.

#### CONSTITUTION.

This association shall be styled the Kansas State Historical Society. The object of the Society shall be to collect, embody, arrange, and preserve books, pamphlets, maps, charts, manuscripts, papers, painting, statuary, and other materials, illustrative of the history of Kansas in particular, and of the country generally; to procure from the early pioneers narratives of the events relative to the early settlement of Kansas, and of the early explorations, the Indian occupancy, overland travel, and emigration to the Territory and the West; to gather all information calculated to exhibit faithfully the antiquities, and the past and present resources and progress of the State, and to take steps to promote the study of history by lectures and other available means.

This Society shall consist of active, life, honorary, and corresponding members, who may be chosen by the Board of Directors of the Society at any regular or special meeting, except at their meeting next preceding the annual meeting of the Society: the active members to consist of citizens of the State, by the payment of two dollars annually; the life members by the payment at one time of twenty dollars; the honorary and corresponding members, who shall be exempt from fee or taxation, shall be chosen from persons in any part of the world, distinguished for their literary or scientific attainments, and known especially as friends and promoters of history. Editors and publishers of newspapers and periodicals, who contribute the regular issues of the same to the collections of the Society, shall be considered as active members of the Society during the continuance of such contribution.

There shall be a Board of Directors of the Society, to consist of thirty-six members. The Directors shall be chosen at a regularly-called annual meeting of the Society, and shall hold their offices for two years and until their successors shall be chosen—except that the Directors shall be divided into two classes—one class to go out of office each year. And immediately after the annual election in January, 1879, lots shall be drawn for the two classes, to hold their respective offices one and two years; and at each subsequent annual election those of the class chosen shall hold their offices for two years. Any number not less than five shall constitute a quorum for the transaction of business. No member of the Board of Directors or other officer, except the Secretary, shall receive pay for any of the ordinary duties of his office.

The officers of the Society shall consist of a President, two Vice Presidents, and a Secretary, to be chosen by the Board of Directors from their own members, and who shall hold their offices for two years and until their successors shall be chosen; the regular terms of the same to begin with the election in January, 1879. And in addition to these elective offices, all donations of money or property (if accepted by the Board of Directors) to the amount or value of five hundred dollars, shall constitute the donors life Directors of the Society during their natural lives: but such life Directors shall never exceed in number the regularly-elected Directors; and all moneys from life-directorships, or from donations or bequests, unless specifically directed otherwise by such life Directors, donors or devisors, shall be invested to the best advantage, and the accruing interest only shall be used, and shall be employed in such manner, for the benefit of the Society, as the Board of Directors may direct.

The annual meeting of the Society shall be held at Topeka, on Tuesday after the third Monday in January; and those members, not less than ten, who meet at any annual or special meeting of the Society, upon the call of the Board of Directors, shall be a quorum for the transaction of business.

The President, or in his absence one of the Vice Presidents, or in their absence any member of the Society selected on the occasion, shall preside at the annual or any special meeting of the Society. Such presiding officer shall preserve order, regulate the order of proceedings, and give a casting vote whenever the same is required.

The Secretary shall preserve a full and correct record of the proceedings of all meetings of the Society and Board of Directors, to be entered on his book in chronological order. These records shall always be open for the inspection of any member of the Society. He shall conduct the correspondence of the Society; shall preserve for the Society the official communications addressed to him, and keep copies of important official letters written by him; he shall collect, or cause to be collected, moneys due to the Society, and pay the same to the Treasurer; he shall give notice of the meetings of the Society and of the Board of Directors; he shall edit and supervise, under the direction of the publication committee, the publications of the Society, direct the literary exchanges, and shall write out and cause to be published, in one or more of the Topeka papers, the proceedings, or a synopsis thereof, of the meetings of the Society and Board of Directors; he shall have charge of the books, manuscripts and other collections of the Society; he shall keep a catalogue of the same, together with all additions made during his official term; in case of donation, he shall specify in his record the name of the book, manuscript, or article donated, with the name of the donor and date of the gift; he shall make an annual report of the condition of the library, and respond to all calls which may be made upon him touching the same, at any annual or special meeting of the Society.

The Treasurer shall receive and have charge of all dues, and donations and bequests of money, and all funds whatsoever of the Society, and shall



pay such sums as the Board of Directors may from time to time direct, on the warrant of the chairman of said Board, countersigned by the Secretary; and he shall make an annual report of the pecuniary transactions of the Society, and also exhibit a statement of the funds and property of the Society in his hands, at any stated or special meeting, when thereto required.

The Secretary and Treasurer shall give satisfactory bonds, in such sums as the Board of Directors may deem proper, for the faithful performance of their respective duties, and for the faithful preservation of property of every kind belonging to the Society; and such bonds shall be filed among the papers of the Society.

The President, or in his absence one of the Vice Presidents, shall preside at the meetings of the Board of Directors, and in their absence the members present may select a chairman from their number to preside, and to perform such duties as may be prescribed for him. The directors shall supervise and direct the financial and business concerns of the Society; may augment the library, cabinet and gallery, by purchase or otherwise; may make arrangements for a single lecture or a course of lectures, for promoting historical knowledge, and increasing the pecuniary resources of the Association. They shall have power to fill any vacancies occurring in their number. They shall audit and adjust all accounts of the Society. They may call special meetings when necessary; appoint the annual orator, make suitable arrangements for the delivery of the annual address; use their discretion as to the publication of any communications, collections, transactions, annual or other addresses, or other written matters of the Society; and they shall annually make a full report of their transactions, accompanied by such suggestions as may seem to them appropriate and worthy attention. They may appoint an executive committee from their own number, to perform such duties as may be prescribed for such committee.

The Secretary is hereby authorized and directed to cause the bills for the annual dues of active members to be made out and sent to the address of such members on or before the first day of June of each year, with a copy of this article, and if the amount of such dues is not paid to the Treasurer of this Society, on or before the first day of December following of said year, those members in arrears shall be deemed to have forfeited their membership, and their names stricken from the roll of members; and no person, who may thus have lost his membership, shall be reëlected to the same without full payment of his arrears.

The Board of Directors may adopt by-laws for their own government and guidance, not inconsistent with this constitution.

This constitution may be amended at any annual meeting of the Society: *Provided*, That the proposed amendment shall have been reduced to writing, and entered on the minutes of the Society, at least three months previous to a vote being taken on the same. *And provided, also*, That a majority of the members present shall concur in the adoption of the amendment or amendments proposed.



On motion of Mr. Robb, the House adjourned at 5:40 o'clock.  
WIRT W. WALTON, *Chief Clerk*.

---

## SEVENTEENTH DAY.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, Feb. 7, 1879. }

House called to order ; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Bissell, Farris, Fisler, Gable (Thos. P.), Games, Hossack, Kollock, McClintick, Rice, Smith of Bourbon, Wait of Lincoln, and Willey.

Quorum present.

On motion, Mr. Wait, of Lincoln, was excused, on account of sickness.

Pending the reading of the journal of yesterday, on motion of Mr. Humes the further reading thereof was dispensed with.

Speaker Clarke announced the following special committee to investigate the late Senatorial election: Randolph, Callen, Hall, Hartshorne, and Keller.

On motion, Mr. Hewins was granted leave of absence until tomorrow; Messrs. Armstrong and Price, until Monday next; Mr. Hartshorne, until Tuesday or Wednesday next; and, on motion of Mr. Ballard, the Committee on Penitentiary, until Monday afternoon next.

By consent, Mr. Anderson, of Shawnee, presented the following:

ASYLUM OF TOPEKA COMMANDERY NO. 5, KNIGHTS TEMPLAR, }  
TOPEKA, KANSAS, February 7, 1879. }

The officers and members of the House of Representatives of Kansas, with their ladies, are cordially invited to attend the sixth annual ball and banquet of Topeka Commandery No. 5, at the opera house in the city of Topeka, on the evening of the 11th of February, 1879.

By order of the invitation committee.

T. J. ANDERSON,  
*Chairman.*

#### APPOINTMENTS.

By authority vested in me, I hereby appoint Miss Mamie E. Brier Fourth Assistant Engrossing Clerk of the House.

SIDNEY CLARKE, *Speaker.*

Miss Brier subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do hereby solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Fourth Assistant Engrossing Clerk of the House of Representatives to the best of my ability. So help me God.

MAMIE E. BRIER.

Subscribed and sworn to before me, this 7th day of February, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

By authority vested in me, I hereby appoint Andrew Carnes clerk of the Committee on Criminal Jurisprudence.

SIDNEY CLARKE, *Speaker*.

Mr. Carnes subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Criminal Jurisprudence to the best of my ability. So help me God.

(Signed) ANDREW CARNES.

Subscribed and sworn to before me, this 7th day of February, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

#### CHAPLAIN OF THE HOUSE.

Mr. Eckles, rising to a question of privilege, presented his resignation as Chaplain, as follows:

TOPEKA, KANSAS, Feb. 7, 1879.

*Hon. Sidney Clarke, Speaker of the House*—DEAR SIR: I hereby tender my resignation of the Chaplaincy of this House.

Respectfully, J. G. ECKLES.

On motion of Mr. Biddle, the resignation of Mr. Eckles, as Chaplain, was accepted.

Mr. Legate moved that Rev. T. W. Henderson be elected Chaplain by acclamation, which motion prevailed.

Mr. Henderson subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Chaplain of the House of Representatives to the best of my ability. So help me God.

(Signed) T. W. HENDERSON.

Subscribed and sworn to before me, this 7th day of February, 1879.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

## PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Riggs: For a constitutional amendment prohibiting the liquor traffic. Referred to the Committee on Temperance.

By Mr. Hodge: Praying for the passage of House bill No. 60, An act to regulate the practice of medicine in the State of Kansas. Referred to the Committee on Judiciary.

By Mr. Anderson, of Cherokee: Praying for the enactment of a law regulating freights and fares on railroads. Referred to Committee on Railroads.

Praying that the laws regulating cities be so amended as to prohibit them from levying a license tax upon producer and manufacturer, by the person offering such for sale. Referred to Committee on Municipal Corporations.

Praying that the laws be so changed that all suits brought before justices of the peace must be brought in the township where the defendant resides. Referred to Committee on Judiciary.

By Mr. Woodard: Petition asking a constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.

By Mr. Congdon: Petition by Theodore Kline, and seventy-three other citizens of Harvey county, praying legislation in reference to taxation of personal property. Referred to Committee on Assessments and Taxation.

A petition of Lyman Cone and H. A. Ensign, and 932 other citizens of Harvey county, praying for legislation with reference to freight and passenger rates and tariffs upon the various railroads. Referred to Committee on Railroads.

By Mr. Cunningham: Praying for the passage of House bill No. 41, An act to vacate certain streets and alleys in Baldwin City. Referred to the Committee on Roads and Highways.

By Mr. Kollock: Of citizens of Miami county, asking a constitutional amendment prohibiting the sale of intoxicating liquors. Referred to Committee on Temperance.

By Mr. Watson: Of citizens of Lyon county, asking legislation to enable them to build bridges. Referred to the Committee on Roads and Highways.

By Mr. McMillen: Of 100 citizens of Douglas county, asking

for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquor within the State. Referred to the Committee on Temperance.

By Mr. Richards: Of citizens of the Twenty-third Representative District, in reference to a reduction in the matter of transportation of local traffic and travel on railroads. Referred to the Committee on Railroads.

By Mr. Clapp: Praying for a law to regulate freights and fares on railroads. Referred to the Committee on Railroads.

Also, praying for a constitutional amendment prohibiting the sale of liquors. Referred to Committee on Temperance.

By Mr. Hodge: Of citizens of Dickinson county, asking that there be no change in the county lines. Referred to the Committee on County Seats and County Lines.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Legate: House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds.

By Mr. Eckles: House bill No. 184, An act to change the names of Arletta Gillen, Wood Gillen, and Grace Gillen.

By Mr. Huffaker: House bill No. 185, An act conferring the rights of majority on Andrew J. Thomas.

By Mr. Kelly: House bill No. 186, An act to provide what animals shall not be permitted to run at large in the several counties in this State.

House bill No. 187, An act for the relief of J. W. Rankin.

By Mr. Calvin: House bill No. 188, An act amendatory of and supplemental to an act entitled "An act to restrain dram-shops and taverns, and regulate the sale of intoxicating liquors," approved March 3, 1868.

By Mr. Butts: House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies or other corporations, firms, or individuals.

House bill No. 190, An act to amend section 1, chapter 57 of



Laws of 1876, being an act to amend section 27, chapter 23 of the General Statutes of the State of Kansas.

House bill No. 191, An act for the prevention of trespassing of minors and others upon railways, trains, tracks and depot grounds, and prescribing penalties therefor.

By Mr. Wait, of Lincoln: House bill No. 192, An act to protect crops from chickens, ducks and other fowls.

By Mr. Congdon: House bill No. 193, An act entitled "An act to define the duties of township trustees, and regulate the fees thereof."

By Mr. Kollock: House bill No. 194, An act to authorize the Township Trustees of Center township, Marion county, to expend the sum of one thousand dollars in improving the public highways in said township.

By Mr. Waite, of Pawnee: House bill No. 195, An act for the taxation of corporations.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read a second time, and referred to the Committee on Ways and Means:

House bill No. 182, An act making appropriations for the Kansas Historical Society.

House bill No. 181, An act making appropriations for the Home for Friendless Women.

By consent, Mr. White, chairman of Committee on Insurance, offered the following resolution, which was adopted:

*Resolved*, That your Committee on Insurance be authorized to employ a clerk for two days to assist them in the performance of their duties as said committee.

G. T. WHITE, *Chairman*.

#### REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 53, An act amending section 100 of chapter 81 of the General Statutes, relating to jurors in justices' courts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 79, An act to repeal section 8 of chapter 37 of the Laws of 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 124, An act for the relief of G. H. McConnell, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 101, An act fixing the terms of the district court in the counties composing the Ninth Judicial District, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 94, An act to amend section 73 of chapter 36 of the General Statutes of 1868, entitled "An act to regulate elections," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 81, An act to legalize the acts of certain township officers in Butler county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 90, An act to repeal section 8 of an act entitled "An act for the encouragement of agriculture, being chapter 37 of the Laws of 1872," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 51, An act regulating the payment of

wages to employés by corporations, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

Mr. Miller, chairman of Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 155, An act to amend section 48 of the Laws of 1872, entitled "An act to incorporate cities of the second class, and to repeal former acts," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 121, An act to amend sections 77 and 82, chapter 60 of the Laws of 1871, it being an act to revise and amend chapter 25 of the Laws of 1869, providing for the organization of cities of the third class, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Criminal Jurisprudence.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 105, An act authorizing cities of the second class to surrender their charters, and to organize townships, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed as amended, and referred back to this committee for further consideration.

CHAS. H. MILLER, *Chairman*.

By consent, the request of the committee was granted.

Mr. Wait, of Lincoln, chairman of Committee on Apportionment, submitted the following report:

MR. SPEAKER: Your Committee on Apportionment, to whom was referred House bill No. 100, An act to create the Sixteenth Judicial District, and to provide for a judge thereof, and holding terms of court therein, have had the same under consideration, and instruct me to report the bill back to the House, and ask for further time.

W. S. WAITE, *Chairman*.

The request was granted.

Mr. Raybell, chairman of Committee on Mileage, submitted the following report :

MR. SPEAKER: Your Committee on Mileage, to whom was referred the House of Representatives, have had the same under consideration, and instruct me to report the following.

T. J. RAYBELL, *Chairman.*

<i>Members.</i>	<i>No. Representative district.</i>	<i>No. of miles traveled, at 15 cents per mile.</i>	<i>Amount.</i>
U. A. Albin.....	90	306	\$45 90
W. D. Alexander *.....	64	.....	.....
T. P. Anderson.....	42	.....	.....
H. T. Anderson.....	113	330	49 50
T. J. Anderson *.....	63	.....	.....
R. B. Armstrong.....	17	140	21 00
F. E. Baker.....	110	550	82 50
D. E. Ballard.....	104	320	48 00
M. L. Barber.....	59	200	30 00
K. H. Barrackman.....	96	472	70 80
J. Beaty.....	70	234	35 10
H. Berry.....	94	452	67 80
G. T. Bevins.....	10	130	19 50
W. R. Biddle.....	33	280	42 00
G. S. Bishop.....	108	540	81 00
Wm. Bissell.....	116	630	94 50
J. A. Blackman.....	16	182	27 30
H. C. Blanchard.....	45	480	72 60
S. S. Boggs.....	126	550	82 50
S. Bower.....	61	100	15 00
L. W. Breyfogle.....	20	170	25 50
L. M. Briggs.....	6	.....	.....
G. L. Brinkman.....	120	436	65 40
D. M. Bronson.....	91	270	40 50
C. J. Brown.....	111	460	.....
J. B. Bruner.....	22	200	30 00
H. C. Bull.....	117	576	86 40
W. C. Butts.....	9	50	7 50
A. W. Callen.....	78	146	21 90
T. J. Calvin.....	46	508	76 20
D. E. Clapp.....	56	286	42 90
A. B. Clark.....	48	352	52 80
J. B. Clogston.....	85	220	33 00
W. M. Congdon.....	98	296	44 40
Jos. Cool.....	103	460	69 00
C. J. Corbin.....	47	336	50 40
R. H. Cunningham.....	57	170	25 50
D. H. Danhaur.....	60	.....	.....
J. Donahue.....	7	70	10 50
W. G. Eastland.....	118	394	59 10
J. G. Eckles.....	114	416	62 40
L. F. Eggers.....	119	436	65 40
T. B. Ellison.....	101	272	40 80
W. P. Ewing.....	125	492	73 80
J. W. Farris.....	8	.....	.....
C. E. Faulkner.....	100	236	35 40
H. C. Fisler.....	128	506	75 90
F. M. Gable.....	15	130	19 50
T. P. Gable.....	11	180	27 00
J. W. Games.....	29	238	35 70
J. S. Gillespie.....	43	480	72 00
J. S. Gilmore.....	54	312	46 80
C. R. Godfrey.....	97	416	62 40
G. W. Greever.....	19	180	27 00
Wm. Greiffenstein.....	92	350	53 40
J. Hall.....	50	384	57 60
L. P. Hamilton.....	74	378	56 70
J. R. Hamilton.....	123	690	103 50
R. D. Hartshorne.....	51	300	45 00

\*No mileage.



<i>Members.</i>	<i>No. Representative district.</i>	<i>No. of miles traveled, at 15 cents per mile.</i>	<i>Amount.</i>
Wm. Hankins.....	52	218	\$32 70
H. T. Helmick.....	41	436	65 40
Wm. Henderson.....	14	148	22 20
E. M. Hewins.....	95	450	67 50
J. M. Hodge.....	80	192	28 80
J. A. Hossack.....	40	410	61 50
T. S. Huffaker.....	81	180	27 00
T. J. Humes.....	105	348	52 20
J. M. Hutchison.....	109	500	75 00
T. M. James *.....	62	.....	.....
L. E. James.....	18	140	21 00
J. H. Keller.....	66	90	13 50
Phil. Kelly.....	1	200	30 00
J. B. Kennedy.....	2	160	24 00
F. H. Kollock.....	87	234	35 10
J. H. Lawson.....	115	360	54 00
J. F. Legate.....	12	134	20 10
M. R. Leonard.....	89	450	67 50
J. M. Loy.....	83	140	21 00
E. W. Majors.....	39	410	61 50
E. C. Manning.....	88	430	64 50
J. C. Martin.....	129	412	61 80
J. H. Martin.....	44	464	69 60
J. G. Martin.....	31	264	39 60
G. W. McClintick.....	99	310	46 50
L. McCrumb.....	65	.....	.....
D. C. McKay.....	102	428	64 20
M. McMillen.....	26	100	15 00
C. H. Miller.....	13	130	19 50
W. M. Moore.....	106	362	54 30
W. A. Morgan.....	86	162	24 30
J. J. Myers.....	77	180	27 00
H. A. Parsons.....	71	210	31 50
J. M. Price.....	4	104	15 60
L. C. Prunty.....	69	108	16 20
A. M. F. Randolph.....	58	176	26 40
Wm. Rath.....	53	226	33 90
T. J. Raybell.....	84	200	30 00
H. Rice.....	30	256	38 40
O. G. Richards.....	23	68	10 20
S. A. Riggs.....	25	52	7 80
J. Robb.....	27	130	19 50
J. P. Rood.....	49	396	59 40
J. H. Sallee.....	37	334	50 10
W. B. Scott.....	34	324	48 60
Jno. Seaton.....	5	100	15 00
A. J. Selover.....	3	200	30 00
A. Shaw.....	21	180	27 00
W. I. Smith.....	36	350	52 50
W. W. Smith.....	75	300	45 00
R. B. Spilman.....	76	104	15 60
J. J. Stewart.....	35	350	52 50
E. G. Stitt.....	72	264	39 60
F. S. Stumbaugh.....	127	524	78 60
T. W. Tallman.....	33	336	50 40
Geo. Taylor.....	79	238	35 70
J. A. Towle.....	28	150	22 50
S. M. Tucker.....	93	372	55 80
W. S. Wait.....	112	396	59 40
J. D. Wait.....	32	294	44 10
D. H. Waite.....	121	482	72 30
E. Walker.....	68	90	13 50
J. S. Watson.....	82	126	18 90
G. L. White.....	107	454	68 10
J. E. Willey.....	124	582	87 30
W. H. Wilson.....	67	130	19 50
M. L. Wilson.....	73	224	33 60
T. B. Woodard.....	55	300	45 00
R. M. Wright.....	122	604	90 60
Sidney Clarke (Speaker).....	26	52	7 80

\* No mileage.



Mr. Blackman, chairman of the Committee on Education, presented the following report:

MR. SPEAKER: Your Committee on Education, to whom was referred House bills Nos. 3, 113, 98 and 125, have had the same under consideration, and ask further time for their consideration.

J. A. BLACKMAN, *Chairman*.

Mr. Leonard, chairman of the Committee on State Affairs, submitted the following report:

MR. SPEAKER: Your Committee on State Affairs, to whom was referred supplementary report of the Commissioner of Fisheries, have had the same under consideration, and instruct me to report the supplementary report of the Commissioner of Fisheries back to the House with the recommendation that it is not expedient to make any further appropriations at present.

M. R. LEONARD, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 13, An act to empower county commissioners to levy a special tax to pay outstanding county warrants, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

JNO. S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 24, An act to amend section 127, chapter 34, Laws of 1876, relating to the assessment and collection of taxes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be indefinitely postponed, the subject-matter having been passed upon in a previous bill by the committee.

JNO. S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 65, An act to amend sec. 2 of chapter 141, Laws of 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads," approved March 2, 1877, have had the same under consideration, and instruct me to report the bill back

to the House with the recommendation that the accompanying substitute be passed. JNO. S. GILMORE, *Chairman*.

Mr. F. M. Gable, chairman of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 74, An act relating to private roads, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed. FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as recommended by the committee.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 109, An act to amend "An act declaring sectional lines in the several counties herein named public highways," approved February 26, 1867, and amended by an act approved March 3, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 159, An act to provide for building and repairing bridges in counties having 2,500 inhabitants or more, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed. FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to

whom was referred House bill No. 170, An act to change part of a certain street, and to vacate a certain alley in Wichita, Sedgwick county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

Mr. Hamilton, of Norton, moved that the rules be suspended, and that Senate bill No. 22, An act making appropriation for deficiency in the contingent fund for the Executive office for the fiscal year ending June 30, 1879, be considered now.

Mr. Faulkner moved to amend, by including substitute for Senate bill No. 7, An act making appropriations to furnish the Topeka Insane Asylum, and to provide for the current expenses thereof, during the fractional portion of the fiscal year ending June 30, 1879.

The amendment did not prevail.

The original prevailed, and Senate bill No. 122 was taken up and considered.

Mr. Biddle moved that the rules be suspended, and the bill considered and read the third time.

The motion prevailed, and Senate bill No. 22, An act making appropriation for deficiency in the contingent fund in the Executive office for the fiscal year ending June 30, 1879, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result :

Whole number of votes cast, 112. Constitutional majority, 65. Yeas, 112; nays, none; not voting, 17.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate,

Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Armstrong, Berry, Bevins, Brown, Danhaur, Donahue, Farris, Fisler, Games, Hewins, Hossack, Martin of Miami, Price, Rice, Smith of Bourbon, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being read, was agreed to.

Ordered, that the Chief Clerk inform the Senate thereof.

#### SPECIAL MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up, and read:

*To the Legislature:*

By request of ex-Governor George T. Anthony, I herewith transmit a communication entitled "Message of George T. Anthony, Retiring Governor, to the Legislature of Kansas," which has just been received by me; and in compliance with said request, and in consideration of the fact that it contains information that may be of value to you, it is respectfully submitted for your consideration.

JOHN P. ST. JOHN,

EXECUTIVE DEPARTMENT,

*Governor.*

TOPEKA, KANSAS, February 6, 1879.

Mr. Biddle moved that the message be printed.

The motion prevailed.

The following is the message:

#### EX-GOVERNOR ANTHONY'S MESSAGE.

*To the Legislature:*

Our State constitution, in declaring and defining the duties of the Governor, provides that he "shall, at the commencement of every session, communicate, in writing, such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient."



The mandatory character of this provision finds ample justification in the necessity and value of the work required. It provides the means by which the Legislature may have official knowledge of the transactions of the government during its absence; of its condition in all its departments, and of its future necessities, to provide for which they have assembled.

In order that this executive communication may be complete in detail and correct in statement, the Governor has power to call upon all the other officers of State for such information as he may require.

The statutes have supplemented the constitution, in this regard, by making it the duty of all officers, or others having care and custody of State departments or institutions, to make full reports to the Governor, with their recommendations. Thus the material of fact and the basis of recommendation to be embraced in the Governor's communication are made absolutely complete.

Every consideration of business prudence and official propriety would seem to demand this communication from the incumbent of the office during the period to which it relates. No one else could be possessed of such knowledge necessary to its completeness in statement, or the experience as a guide for its recommendation.

Practically, this communication is no more nor less than an executive report of the transactions of an administration, with practical suggestions springing from a personal knowledge of such transactions; and the same business reasons requiring a report from the Auditor, Treasurer, and other State officers, covering the period intervening between sessions of the Legislature, to be made by the incumbent, hold good in this case.

The reverse of this has been the practice. A custom sanctioned by usage since the State was organized has devolved this duty upon the incoming instead of the outgoing Governor. When your sessions were annual, this practice was less objectionable than now. Then the period covered by the message was but a single year, and on each alternate year it was written by an incumbent who had personal knowledge of the matters communicated. Now, with biennial sessions, the message necessarily covers the full period, and embraces all the transactions of an entire administration.

Believing it better to establish a good precedent than to follow



a bad one, and holding duty to the public paramount to custom and usage, I have concluded to depart from the practice of predecessors, by addressing you. I am impelled to this departure by a belief that there are transactions, both complete and incomplete, connected with my administration, which should be brought to your attention in more fullness of detail and particularity of statement than could be expected or required of the Governor elect; and I trust you will, by law, make it his duty to perform a work I have assumed to do at the peril of unfriendly criticism.

#### STATE CLAIMS.

Under authority of chapter 176, Laws of 1877, Hon. S. J. Crawford was appointed, confirmed and commissioned, on March 6, 1877, as agent for the State in the prosecution of claims against the United States Government, with whom an agreement was entered into as provided by said act, a copy of which is as follows:

THIS MEMORANDUM, made this 3d day of October, A. D. 1877, by and between the State of Kansas, party of the first part, and Samuel J. Crawford, of Topeka, Kansas, party of the second part, *Witnesseth*: That whereas, the said second party was on the 5th day of March, 1877, duly appointed and confirmed, and on the 6th day of March, 1877, duly commissioned by the Governor of the State of Kansas, the agent of the said State of Kansas to prosecute the claims of said State against the United States, pursuant to an act of the Legislature of the State of Kansas, entitled "An act to provide for the appointment of an agent to prosecute the claims of the State of Kansas against the United States, and to procure payment of money due said State from the United States on account of public lands disposed of by the United States in the said State of Kansas; also, to present and prosecute the claims of the State of Kansas for school lands due the said State from the United States; also, to prosecute the claims of the State of Kansas against the United States for moneys due the said State on account of expenses incurred in organizing troops for the military service of the United States, and for material and supplies furnished the same, and on account of Indian depredations," approved March 3, 1877, (Laws of 1877, page 232); and whereas, the said second party has duly qualified and entered upon the discharge of his duties as such agent; and whereas, it is provided by said act that the said agent "shall be allowed such compensation for his services as may be agreed upon between the Governor, Auditor and Attorney General of the State and himself, not to exceed ten per centum upon the amount secured to the State, and that in case any lands are secured by the State for school purposes or otherwise by such agent, then he shall be paid for his services in that behalf in land, at a price to be determined by the Governor, Auditor and Attorney General of the State, but not more than one-tenth of the whole amount secured by such agent:

Now, therefore, it is hereby stipulated by and between the said parties hereto, that the compensation of the said second party, for the services rendered by him in the discharge of the duties of said agency, shall be as follows, to wit:

*First:* On all claims successfully prosecuted for the State, for moneys expended by the State for military purposes, ten per centum of the amount so recovered.

*Second:* On all other claims successfully prosecuted for the State, when the amount recovered shall be paid to the State in money, ten per centum of the amount so secured.

*Third:* Where lands are recovered to the State by said agent, one-tenth of the lands so recovered, said one-tenth to be selected and set apart to the said party of the second part by three disinterested persons, one of whom shall be chosen by the parties of the first part; one by the party of the second part, and one by the two persons thus selected.

In testimony whereof, the State of Kansas, by its Governor, Auditor and Attorney General, party of the first part, and the said party of the second part, have hereunto set their hands, the day and year first above written.

(Signed)	S. J. CRAWFORD.
(Signed)	GEO. T. ANTHONY, <i>Governor</i> .
(Signed)	P. I. BONEBRAKE, <i>Auditor</i> .
(Signed)	WILLARD DAVIS, <i>Attorney General</i> .

Every facility and aid in their power has been given the agent, by each and all of the State officers.

The amount of bonds issued and liabilities incurred for war purposes, by the State, on account of the General Government, for which reimbursement is claimed, is shown by the following statement, prepared by the Auditor of State:

STATEMENT OF BONDS ISSUED BY THE STATE OF KANSAS FOR MILITARY PURPOSES.	
JULY 1, 1864.—An act to provide for the expenses of the militia, incurred in the protection of the State, in the years 1861, 1862, 1863, and 1864, and payment of the same, approved February 23, 1864.....	\$100,000 00
JULY 1, 1866.—An act supplemental to "An act to provide for the expenses of the militia, incurred in the protection of the State, in the years 1861, 1862, 1863, and 1864, and payment of the same," approved February 23, 1864, approved February 26, 1866.....	40,000 00
JULY 1, 1868.—An act to provide for the issuance and sale of the bonds of the State, for the purpose of defraying the expenses of the Kansas militia, approved March 3, 1868.....	30,000 00
JANUARY 1, 1869.—An act to provide for the issuance and sale of bonds of the State of Kansas, for the purpose of liquidating the indebtedness of the State incurred for military purposes, during the year 1868, in defending the citizens of the State against the ravages of hostile Indians on the frontiers of Kansas, approved February 9, 1869.....	75,000 00
JANUARY 1, 1869.—An act to provide for the issuance and sale of bonds, for defraying the expenses in raising the Nineteenth Regiment, Kansas Volunteer Cavalry, approved March 3, 1869.....	12,000 00
JANUARY 1, 1869.—An act to provide for the issuance and sale of bonds of the State of Kansas, to provide a military contingent fund for the protection of the frontier against hostile Indians, approved February 26, 1869.....	89,000 00
MARCH 15, 1875.—An act to provide for the issuance and sale of bonds of the State of Kansas, for the purpose of paying the indebtedness of the State incurred in repelling Indian invasions during the year 1874, and the month of January in the year 1875, approved March 6, 1875.....	36,500 00
Total amount issued.....	\$382,500 00

The following amount was paid directly from the State treasury, and for which no bonds were issued, to wit:	
Under the provisions of an act appropriating money to refund to the Governor, Thomas Carney, expenses incurred by him in protecting the State, approved February 26, 1864.....	\$10,800 00
In addition to the foregoing exhibit, the State of Kansas has issued its interest-bearing certificates in pursuance of law, for the services of the State militia, material and supplies furnished, property lost in action, etc., in defense of the State, during the year 1864, to the amount of.....	77,426 15
Making the total amount paid and assumed by the State, and for which the State has not been reimbursed by the United States.....	<u>\$470,726 15</u>

A bill passed the Senate at its last session, and is now pending in the House, for the adjustment and payment of this claim, or so much thereof as may be sustained by proper vouchers. So long a time has elapsed that it may be impossible to recover it all; but most of the claim can be sustained by adequate vouchers. It is a claim so just that our Representatives in Congress cannot fail to secure its recognition, if pressed as I have every reason to believe it will be pressed.

#### SCHOOL LANDS.

The sixteenth and thirty-sixth sections of public lands lying within Indian reservations had been withheld from the State by decision of the Interior Department, as follows:

DEPARTMENT OF THE INTERIOR, }  
GENERAL LAND OFFICE, March 4, 1870. }

*Hon. J. D. Cox, Secretary of the Interior:*

SIR: I had the honor to receive the Secretary's letter of the 23d ult., requesting an expression of the views of this office on a question submitted in a communication from the Attorney General of Kansas, which accompanies the Department letter, relative to alleged losses to the school fund of that State by reason of final disposal of Indian reservations and trust lands within her borders.

The act organizing the Territory of Kansas, approved May 30, 1854, reserved sections sixteen and thirty-six in each township of *said Territory* for the use of schools. The act for the admission of Kansas into the Union, approved January 29, 1861, grants sections sixteen and thirty-six in every township, of public lands in said State, with the additional provisions that when either of said sections, "or any part thereof, has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools."

It will be observed that in the Territorial act, school lands are reserved in each township of *said Territory*.

In the same act is the following provision, relating to Indian reservations within its limits: "But all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Kansas." Again, in the act admitting the State, January 29, 1861, the sixteenth and thirty-sixth

sections are granted in every township of *public lands in said State*. In the same act, however, is the proviso, "that nothing in said Constitution respecting the boundary of said State shall be construed to include any territory which by treaty with such Indian tribe is not, without the consent of such tribe, to be included within the territorial limits of any State or Territory; but all such territory shall be *excepted out of the boundaries and constitute no part of the State of Kansas*, until said tribe shall signify their assent to the President of the United States to be included within said State, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed."

Under treaty stipulations these Indian lands have from time to time been sold in trust for the Indians, or otherwise disposed of for their benefit, no pecuniary benefit resulting to the General Government from such disposals.

We draw from these facts the conclusion that as these lands, by the expressed terms of the organic act, were no part of the Territory of Kansas, and by the provisions in the act of admission were excepted from and declared to be no part of said State, the grant of the sixteenth and thirty-sixth sections in each township of *public lands in said State* did not include any part of the Indian reservations, and hence there is no *legal* foundation for school indemnity under existing laws.

Returning the communication of the Attorney General, I have the honor to be

Your obedient servant,

(Signed) JAS. S. WILSON, *Commissioner*.

The amount of land involved in this controversy was about 270,000 acres, and of more than a million dollars in value. Not only the large interest at stake in this case, but the ultimate results of the precedent, caused the utmost caution and deliberation by the Department. The case of the State was sustained by an elaborate and exhaustive brief of the law and the precedents, prepared by State Agent Crawford, and argued before the Hon. Secretary of the Interior and Commissioner of the General Land Office by Hon. Hon. Matt. C. Carpenter and other able attorneys who had been engaged by Mr. Crawford for this purpose.

The result will justify in this connection a reproduction of the text of the decision as communicated to me by the Hon. Commissioner:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, }  
WASHINGTON, D. C., August 14, 1877. }

Hon. Geo. T. Anthony, Governor of Kansas:

SIR: I have had under consideration the claim made by the State of Kansas, through her agent, the Hon. S. J. Crawford, for an allowance of certain lands for school purposes.



The claim, as stated by said agent, is: "That the State of Kansas is entitled to every 16th and 36th section of land in each township in said State; and when either of said sections, or any part thereof, has been sold or otherwise disposed of by the United States, then the State is entitled to other lands equivalent thereto." Or, in other words and in narrower limits, I may state the question to be: Is the State of Kansas entitled to the 16th and 36th sections of land (or equivalent therefor) which were formerly within the Indian reservations in said State?

There were a number of these reservations the Indians' title to which has never in all cases been extinguished, as such, and which constitute a part of the State of Kansas.

The act of Congress of date May 30th, 1854, entitled "An act to organize" the Territory of Kansas, provides as follows:

"SEC. 34. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six, in each township in said Territory, shall be and the same are hereby reserved, for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same." (Stat. at Large, p. 289, vol. 10.)

The foregoing is also incorporated into the act of Congress of date July 22, 1854, providing, among other things, for the survey of said Territory.

The act of Congress admitting the State of Kansas into the Union, approved January 29th, 1861, provides:

"SEC. 3. *And be it further enacted*, . . . First, That sections numbered sixteen and thirty-six, in every township of public lands in said State, and where either of said sections or any part thereof has been sold, or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools." (Stats. at Large, vol. 12, p. 127.)

Without other provisions of law, it would be clear that the State is entitled to what she asks. But the act of admission referred to contains the following proviso, which is also in substance contained in the organic act. The proviso is as follows:

"*Provided*, That nothing contained in the said constitution respecting the boundary of said State shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with such Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the State of Kansas, until said tribe shall signify their assent to the President of the United States to be included within said State, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their laws, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed." (Stats. at Large, vol. 12, p. 127.)

Upon the 23d day of April, 1870, the Secretary of the Interior asked an expression of the views of this office with reference to the question involved in the construction of these statutes, and the propriety of granting this claim.

In answer, the then Commissioner, Joseph L. Wilson, submitted his views upon the subject, in writing. After quoting from the foregoing acts,



as above, except that he leaves off that part of the provision after the word "Kansas," in the 14th line thereof, he says:

"Under treaty stipulations, these Indian lands have, from time to time, been sold in trust for the Indians, or otherwise disposed of for their benefit, no pecuniary benefit resulting to the General Government from such disposal."

We draw from these facts the conclusion, that as these lands, by the express terms of the organic act, were not part of the Territory of Kansas, and by the provisions in the act of admission were excepted from and declared to be no part of said State, the grant of 16th and 36th sections in such townships of *public lands in said State* "did not include any part of the Indian reservations, and hence there is no *legal* foundation for school indemnity under existing laws."

These views thus expressed to the Secretary in this advisory manner, rather than in the light of a decision upon the rights of the parties, and which, so far as I am able to learn, were in no manner approved or disapproved by the Secretary, do not, as I conceive, constitute such a decision on the part of my predecessor in office, as to bind me to a concurrence in them. I make this statement because I find it necessary, after a careful consideration of the questions involved, to differ from the conclusions there arrived at. I am forced to adopt the view that the Indian reservations were just as much a part of the State of Kansas, in *contemplation of the acts referred to*, granting school sections, as any other portion. It is true that the State could not take possession at once, or as it did of other lands, for the right of possession was in the Indians temporarily. The right of the State to claim the lands was made dependent upon certain conditions or contingencies, which the acts referred to named. When these things were accomplished, the State's right attached; the Indian reservations were excepted out of the boundaries of the State only so long as the Indian title remained unextinguished, and no longer. This title extinguished, the lands became part of the State, and when part of the State, the State was entitled to the sixteenth and thirty-sixth sections therein. The latter fact just as necessarily resulted as the former.

The State of Kansas was formed within certain boundaries. These were universally recognized. But within these boundaries certain rights had been acquired, which justice demanded should be protected. These were, a right of possession only in certain Indian tribes, which were to be preserved until the Government could acquire them by the means named in the act of admission. When this was done, the lands were, by the terms of the act, to become a part of the State. No further legislation was necessary to this end. The reservations were only to continue so long.

Not only this, but the act providing for the survey of the lands within the State, provides that, whenever any part was surveyed with a view to bringing them into market, the sixteenth and thirty-sixth sections were to be set apart for school purposes. At the time of the organic act, and not till long after, were the lands surveyed, so that the language providing that "each township in the State," etc., could not have referred to any townships already surveyed, but to all townships that should thereafter be surveyed.

The townships within the Indian reservations were perhaps longest delayed; still finally they were surveyed, with a view to their sale. No time was fixed in which the surveys should take place, neither with reference to these nor any other parts of the State. This view is supported also by the subsequent acts of Congress.

The resolution of date April 10, 1869, providing for the purchase of lands in the Osage reservation, in said State, provided, among other things, "that the sixteenth and thirty-sixth sections shall be reserved for State and school purposes, *in accordance with the provisions of the act of admission of the State.*" Not only were the lands here reserved, but "in accordance with the provisions of the act of admission of the State"—saying as plainly as might be that it was the understanding of Congress that the act of admission reserved these lands for that purpose; so, the two other acts of date of July 15, 1870, reserve these sections.

Not only this, but I have for my guidance the almost uniform custom of this department, directing me to the same end and conclusion. For instance: In the case of the State of California, it appearing that in certain locations, owing to natural obstacles, the school lands could not always be selected according to the uniform system adopted, it was provided that the State might select other lands; and the Commissioner of the General Land Office, in his circular of instructions upon the subject, uses the following language: "Fractional townships created by Indian reservations are not to be understood as coming within the meaning of the act, as *when the township is completed*, it [the State] will have its proper school lands." See opinion of Attorney General Butler, March 31, 1836, 3 Opinions. See, also, Secretary's decision, December 20th, 1858, No. 644; 1 Lester, 632; *id.*, No. 534, p. 492; *id.*, No. 319, p. 285.

The almost uniform action of the government with reference to like grants to other States is in perfect accord with these views. In the case of *Cooper vs. Roberts*, 18 Howard, 173, the court say: "It has always been a cherished policy with the Government of the United States to appropriate the section numbered sixteen in every township of land for the use of schools." But not only does it appear clear to me that these lands were within the contemplation of the organic act, the act providing for the survey of the lands, and the act of admission, but that these reservations were, in a sense, and in the same contemplation, a part of the Territory and State. The reservation clause can only be fairly construed, in my opinion, to be a suspension of the political and economic functions of the State Government for the time. In this view of the subject, I am borne out by so able an authority as Chief Justice Marshall. In the case of *Fletcher vs. Peck*, 6 Cranch, 141, the opinion recites "that in October, 1763, the King of Great Britain issued a proclamation creating four new colonies—Quebec, East Florida, West Florida, and Grenada—and prescribing the boundary of each; and further declaring that all the lands between Alatomaha and St. Marys should be annexed to Georgia. The same proc-

clamation contained a clause *reserving*, under the *dominion and protection of the Crown*, for the *use of the Indians*, all the lands on the *Western waters*, and forbidding a settlement on them, or a purchase of them from the Indians. . . . The counsel for the plaintiff rest their argument on a single proposition. They contend that the reservation for the use of the Indians, contained in the proclamation of 1763, excepts the lands on the Western waters from the colonies within whose bounds they would otherwise have been, and that they were acquired by the Revolutionary War. . . . The court does not understand the proclamation as it is understood by the counsel for the plaintiff. The reservation for the Indians appears to be a temporary arrangement, suspending for a time the settlement of the country reserved, and the power of the royal Governor within the territory reserved, but is not conceived to amount to an alteration of the boundaries of the Colony."

This case, it will be seen, is exactly in point, and parallel, and must be accepted as a controlling authority. See, to the same import, the opinion of Attorney General Black, 9 Opinions, 346.

It will be seen, by a reference to the decision of the Secretary of the Interior, of date August 26, 1870, that in interpreting the act of April 10, 1869, he makes a distinction between the lands embraced in the first and second articles of the Osage treaty. He says:

"The United States, however, purchased, under the treaty, the lands embraced in the first article, and thereafter they became public lands; and for such of the sixteenth and thirty-sixth sections of them as may be sold, or otherwise disposed of, the State will be entitled to select equivalents, which must be taken as near as may be to the ceded tracts."

According to the doctrine of this decision, when the United States acquires the Indian title, the State is entitled to the school sections; but the Secretary then held that the lands embraced in the second article of the treaty, which were to be sold in trust for the Indians, were not acquired by the United States. "The United States acquired no beneficial interest in them, and in no sense can they be considered public lands." This conclusion was undoubtedly based upon, and finds its excuse in, the particular wording of the act which contains the words, "lands *sold* to the United States." Perhaps it would not be proper for me to question the soundness of the decision, nor is it necessary to do so. The subsequent decision of the Secretary of the Interior, of date February 14, 1871, practically overrules the former decision, and decides that under the twelfth section of the act of July 15, 1870 (16 Statutes at Large, page 362), the State is entitled to the sixteenth and thirty-sixth sections referred to, known as Trust Lands.

I conclude, therefore, without further discussion of the question, that the State of Kansas is entitled to each sixteenth and thirty-sixth section of land, or equivalents therefor, to be selected according to law, embraced within the lands heretofore known as "Indian reservations," in said State,

not heretofore obtained by her, or for which she has not in any manner received lands, or other compensation in lieu thereof.

Very respectfully,

J. A. WILLIAMSON, *Commissioner*.

This decision was accompanied by a request that I should select the indemnity lands and certify such selection to the local land offices, in order that they might be withdrawn from market and certified to the State when the work was complete. This involved an unpleasant responsibility. Public lands were being taken up very rapidly, and to delay the selection for your meeting would entail a very great loss to the State in the quality and location of the lands. On the other hand, the selection could only be made by the employment of competent commissioners, and provision for their payment as soon as the work was done.

Under these circumstances the State officers were called together, and their counsel and coöperation solicited. They cheerfully responded, and the conclusion was reached that the interests of the State demanded a prompt location of the land, and that the exigencies of the case fully justified the means requisite to its accomplishment. It was unanimously agreed to select competent men, commission them as agents of the State, and set them at once to the work, according to carefully prepared instructions. To meet the expenses of the work, money was obtained upon the personal obligation of the State officers, all of whom joined in a note to Donnell, Lawson & Co., of New York, who advanced \$3,000 at a stipulated interest of seven per cent. per annum.

The following-named gentlemen were appointed commissioners: J. C. McQuary, of Salina; G. C. West, of Topeka; J. E. Stone, of Montgomery; L. B. Snow, of Butler; L. A. Thrasher, of Allen; and O. E. Morse, of Linn.

Their report will abundantly verify that they performed their duties with intelligence and pains-taking care. I do not believe that more careful or valuable work was ever performed of a like nature.

The following statement of receipts and disbursements on this account, made by the Hon. Treasurer of State, who was made treasurer for this purpose, will show the amount paid each commissioner, and the total amount required to meet the liability, to provide for which an appropriation should be made before maturity of the paper:



## STATEMENT OF DISBURSEMENTS.

JOHN FRANCIS, TREASURER, IN ACCOUNT WITH BOARD OF STATE OFFICERS.

		Dr.		Cr.
1878.				
Jan. 21	To amount received on notes.....	\$1,000 00	By amount paid J. C. McQuary, as per orders (joint) 1, 6, 10, 15, 17, 20, 22 and 29 .....	\$756 98
Mar. 11	To amount received on notes.....	2,000 00	By amount paid G. C. West, as per orders (joint) 1, 3, 14, 24 and 27.....	560 05
Apr. 23	To amount received of L. B. Snow, for tent sold by the Board.....	6 00	By amount paid J. E. Stone, as per orders 4, 13, 18 and 19.....	307 70
			By amount paid L. B. Snow, as per orders 5, 12, 21 and 23.....	504 33
			By amount paid L. A. Thrasher, as per orders 2, 11, 25 and 28..	468 00
			By amount paid O. E. Morse, as per orders 7, 8, 9 and 16.....	288 40
			By balance on hand.....	120 54
		\$3,006 00		\$3,006 00

Note due March 1, 1879.....	\$1,000 00
Interest at 7 per cent. from January 21, 1878, to March 1, 1879 .....	77 48
Note due March 1, 1879.....	2,000 00
Interest at 7 per cent. from March 11, 1878, to March 1, 1879.....	135 79

	\$3,213 27
Deduct balance on hand.....	120 54

Amount of appropriation required..... \$3,092 73

The selections made by the commissioners were certified by me to the local land officers, who were ordered by the Commissioner of the General Land Office to withdraw them from settlement. The complete lists of selection have been made by the State Auditor, but cannot be approved and forwarded to the Commissioner for final certification to the State until a fee, imposed by section 2238, paragraph 7, United States Statutes, is paid by the State, or waived by the United States. It is my opinion that this fee does not attach to indemnity lands given in lieu of lands belonging to the State before this fee was imposed. No time should be lost in making the necessary appropriation, should the Commissioner decide adversely to the demand which has been made for a certification without this fee.

## SCHOOL MONIES.

The decision affirming the right of the State to the 16th and 36th sections of the lands lying within the Indian reservations, was logically followed by a demand for five per cent. of the net proceeds of the sale of the balance of such reservations. This claim, like the other, was carefully prepared, and ably argued before the same officers, by the same attorneys, and the result communicated to me in the following decision:



DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, }  
WASHINGTON, D. C., Dec. 31, 1877. }

HON. GEO. T. ANTHONY, *Governor of Kansas*:

SIR: I have considered the claim made by the State of Kansas, for "five per centum of the net proceeds of all sales of public lands lying within said State, including the lands embraced in former Indian reservations therein, which have been sold by Congress since the 29th day of January, A. D. 1861."

This claim is founded upon the following clause of the third section of the act of Congress, approved January 29, 1861, entitled "An act for the admission of Kansas into the Union," and which reads as follows:

"*Fifth*, That five per centum of the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the Legislature shall direct." (12 Stat., 127.)

At the time of the passage of this act, there existed in the State of Kansas numerous large Indian reservations, which, by the terms thereof, it was provided should be "excepted out of the boundaries and constitute no part of the State of Kansas, until said tribe [possessing any such reservation] shall signify their assent to the President of the United States to be included within said State." And it was further provided, that nothing contained in the constitution of said State shall be construed "to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property or other rights, by treaty, law, or otherwise, which it would have been competent to make had this act never passed."

It is suggested that as these lands were excepted out of the boundaries of the State at the time of the passage of this act, that, therefore, they were not included within the contemplation of the five-per-cent. clause above quoted; and that being in a state of reservation, they were not "public lands," within the same contemplation. This view was expressly held by the First Comptroller of the Treasury, in the case of the application of the State of Nebraska, for a like allowance under like provisions of law. In that case, the claim made by the State of Nebraska was disallowed by this office, but an appeal was taken to the Secretary of the Interior, and the decision of this office reversed, and the claim allowed. The Comptroller also expressed the view that it was not within the province of the Secretary of the Interior to pass upon the legality of this claim. With this question, of course, I have nothing to do. The only question presented for my consideration is that having reference to these Indian reservations in connection with the five-per-cent. claim made by the State.

It will be noticed that the Nebraska case differs from this in the fact that at the time of the application by the former, the Indian lands were still in a state of reservation, while in this case the Indian title has in all cases been extinguished, and the lands surveyed.

In the matter of the application of the State of Kansas for an allowance of 16th and 36th sections, or equivalent therefor, of these reservations for school purposes, recently decided by this office, I had occasion to examine the questions here raised, and then held that these reservations were, in contemplation of the act referred to, as much a part of the State as any other; and when the Indian title became extinguished, and the lands surveyed with a view to bringing them into market, the State had the same right to its school sections therein as in any other part of the State. From the views then expressed I have seen no good reason for departing. On the contrary, I am confirmed in the views then expressed by the recent decision of the Supreme Court of the United States in the case of *Fanny Bucher, Executrix, &c., vs. David Wetherly, et al.*, October Term, 1877. Without repeating the reason then advanced for my conclusions, I may add that in this case the language of the act is explicit, that "the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union . . . shall be paid to said State."

It may be admitted that these lands were not, at the time of the passage of this act and until the Indian title was extinguished, in contemplation of the preëmption and homestead laws, or of the recent decisions of the Supreme Court, public lands, so that they could be occupied under these laws or even granted by Congress.

But in another sense, broader and more general, they were such, as I think I have shown in my former decision referred to, and as is shown by the use of these words in other acts of Congress relating to like reservations.

For instance, the act of March 3, 1863 (12 Stat., 819), providing for the removal of certain tribes of Indians from Minnesota and Dakota, and the disposal of their lands, provides "that after the survey of said reservations they shall be open to preëmption . . . in the same manner as *other public lands*. . . . And portions of said reservations, which may not be settled upon, . . . may be sold at public auction as *other public lands* are sold, after which they shall be subject to sale at private entry as *other public lands* of the United States."

So these words are used in a like connection and sense in the act of February 28, 1859, making provision for carrying into effect treaty stipulations with various Indian tribes, etc. In the act of July 22, 1854, providing for the establishment of new land districts, and for other purposes (10 Stat., 310), Congress uses the following language:

"SEC. 13. *And be it further enacted*, That the *public lands* in the Territory of Nebraska, to which the Indian title *shall have been* extinguished, . . . and the *public lands* in the Territory of Kansas, to which the Indian title *shall have been* extinguished, shall constitute a new land district. . . . And the President is hereby authorized to cause [the same] to be surveyed . . . as *other public lands* of the United States."

These illustrations are sufficient to show that Congress has used the words "public lands," with reference to these reservations, as well before the extinguishment of the Indian title as afterwards.

But without discussing the question whether these lands were public

lands within the contemplation of the act of admission, at the time of the passage thereof, and before the Indian title was extinguished, it is sufficient to know that they have become such, for, as is seen, the five-per-cent. clause contemplates *all public lands within said State which shall be sold after its admission.*

That these are public lands now, or became such upon the extinguishment of the Indian title, in every sense, is not disputed. That they were public lands in a sense, with fee in the Government, and that it was contemplated by the act admitting the State into the Union that the right of possession in the Indian should be extinguished, and that these lands were in fact a part of the State at all times after said act of admission, with merely a suspension of the political and economical functions of the State over the same, and until such time as the Indian title should be extinguished, I think ought not to be doubted. There is much force in the suggestion made by the counsel for the State, that if it be claimed that these lands did not become part of the State and were not public lands, and are not included in the grant, it might, with the same propriety, be claimed that the right of the State to tax the same, when they became part of the State, was not surrendered.

The allowance of five per cent. on the sale of the public lands in the State of Kansas can hardly be considered in the nature of a grant, and therefore the law giving it should not be subject to those rules of construction applicable to donations.

The allowance of this sum was rather in the nature of a consideration for certain concessions named in what was in its nature a compact or agreement between the State and the United States. And no presumption can be allowed on the part of the one as against the other of the contracting parties so as to limit the terms of the contract. On the contrary, the terms of agreement should have that fair and liberal construction which shall look only to a full compliance with the original intent of the parties. Concluding to show what this intent was, perhaps it would not be improper to consider the various acts and policy of the Government with reference to like concessions to other States. Without going into this subject in detail, suffice it to say, that in almost if not every instance of the admission of a State into the Union since the admission of the State of Ohio, like or similar grants have been made, and in many of them a much larger sum; and in none of these cases, it is alleged, have Indian reservations, and there were such in many of the States, been excepted out of the terms of the grant or agreement.

The foregoing views, taken in connection with those expressed in my former decision referred to, I deem sufficient to justify me in the allowance of the claim made by the State.

There is urged another reason for the allowance of this claim, which, in harmony with the opinion of the Secretary of the Interior, before referred to, and with very great deference to the opinion of the Comptroller, I am inclined to think entitled to much weight. The act of Congress, approved

March 3, 1857, providing that the Commissioner of the General Land Office shall state an account between the Government and the several States with reference to like grants, and authorizing him to include in his estimate Indian reservations, taken in connection with the act admitting the State of Kansas into the Union, which provides that she shall be admitted on an equal footing with the original States, and that all the laws of the United States not locally inapplicable shall have the same force and effect in this State as in other States in the Union, I am of the opinion would authorize the statement of the account asked for in this case. The reasons for this view are quite fully set out in the opinion of the Secretary, above referred to, and I need not enter upon them here.

I decide, therefore, that the State of Kansas is entitled to five per centum of the net proceeds of sales of all lands heretofore included within Indian reservations in said State, not sold and conveyed in fee by the United States prior to the 29th day of January, 1861.

Very respectfully,

J. A. WILLIAMSON,  
*Commissioner.*

HON. S. J. CRAWFORD,  
HON. M. C. CARPENTER,  
GEN. E. W. RICE,

*Attorneys for the State.*

Through the courtesy of Hon. J. A. Williamson, Commissioner of the Land Office, a special clerical force was employed to ascertain the sum due the State under the above decision. It was found to be \$190,800, and demand has been made upon the Hon. Secretary of the Treasury for its payment.

The magnitude of the sum, and the still greater amount contingently involved, made it necessary, not only to submit the case anew, but to obtain a decision corroborative of the one already obtained, and another, affirming the authority of the Treasury Department to pay without an act of appropriation by Congress. Months were consumed in the delay of the decision by the Hon. First Comptroller, which was promised on or before this date, but has not been received.

#### SALT-SPRING LANDS.

By communication from Hon. Thos. H. Cavanaugh, of January 20, 1878, I was informed of a rumor, current about Salina, that two sections of State land, viz., sections 17 and 6, township 13, range 1, originally certified to the State by the United States, as locations of salt springs Nos. 4 and 5, had been sold, and were now in possession of innocent purchasers. Subsequent investigation brought evidence that the sale had been made by one



John W. Berks, of Salina, Kansas; whereupon the following correspondence was had with that gentleman:

EXECUTIVE OFFICE, January 25, 1878.

SIR: It is reported to me on what seems to be competent authority, that you have sold, or purport to own, section 17, township 13, range 3, and section 6, township 13, range 1, west, of lands in Saline county.

These are original salt-spring lands, certified to the State of Kansas, and now owned by it. Will you be kind enough to inform me if you have any title to said lands; or if you have, as agent, or attorney, become possessed of any title in the interest of others; or negotiated the sale, as such agent or attorney for any party, to present owners or claimants? This information will greatly oblige,

Yours, truly,

GEO. T. ANTHONY, *Governor*.

To John W. Berks, Salina, Kansas.

SALINA, KAS., January 28, 1878.

*His Excellency*, GEO. T. ANTHONY, *Governor*, &c.:

SIR: I have yours of the 25th inst., in relation to two sections of land in this county, to wit, section 6, township 13, range 1, west, and section 17, township 13, range 3, west, and in reply have to state, that the land as above described, together with the S.E.  $\frac{1}{4}$  of section 8, township 13, range 3, west, was purchased of the State Normal School at Emporia, and that I hold certificates for the said lands from the said school, said certificates being dated December 20, 1877.

I have the honor of remaining,

Your ob't serv't,

JNO. W. BERKS.

EXECUTIVE OFFICE, January 31, 1878.

SIR: Thanking you for your prompt response of the 28th inst., to mine of the 25th, I have to say, that a very grave error has been committed by some one in relation to the lands named in my communication to you. They are original salt lands; the title to which is and ever has been, since the original grant, in the State.

In order to make a prompt and intelligent investigation of the facts in relation to this complication, will you be kind enough to send me a copy of your certificate from the Normal School authorities, which you say bears date December 26th, 1877?

Very respectfully,

GEO. T. ANTHONY, *Governor*.

To John W. Berks, Esq., Salina, Kansas.

SALINA, KANSAS, February 22, 1878.

HON. GEO. T. ANTHONY, *Governor*:

SIR: In relation to sections 6, 13, 1, W., and 17, 13, 3, W., on which I hold contracts from the State Normal School, have this to state: That I would like to have the investigation that you suggested on the 31st ult. take place *immediately*, for this reason, among others: I sold section 17 for other property, which is improved. Now, if my claim on 17 is good, the



exchange must stand; but if my claim on 17 is not a legal one, I desire to give the party his land again, that he may proceed to make a spring crop. In this crop matter there is no time to spare. I wish to do precisely right, and trust that we will speedily know what that is.

I have the honor of remaining, your obedient servant,

JOHN W. BERKS.

This was referred to the honorable Attorney General, to the end that unlawful occupants should be ejected from the land, and the guilty punished for its unlawful sale. Nothing, so far as I am informed, has yet been done—other and more important transactions of the same parties, involving Normal School lands, having engaged attention.

#### NORMAL SCHOOL LANDS.

Demand having been made for a patent for a quarter-section of Normal School land, claimed to have been bought and paid for by the party so demanding, and it being found that no report of sale, or proceeds thereof, had been rendered to the Auditor and Treasurer of State, an investigation was at once instituted, which soon developed a painful and disastrous condition of that trust. It was found that notwithstanding it was reported from year to year that these lands could not be sold at the minimum price fixed by law, and that therefore the Legislature must provide means to sustain the Normal School faculty, yet more or less of them had been sold in each year from 1872 to date, and the proceeds thereof embezzled by the agent making the sales.

A meeting of the Board of Regents was called, in relation to which the following correspondence was had:

EMPORIA, KAS., February 27, 1878.

GOVERNOR ANTHONY—*Dear Sir:* The ex-agent made to me last night, in his private office, what he declares is a *full and complete showing* of all his doings in land matters connected with Normal and also salt or State lands. These disclosures were made to me in *confidence*, until such a time as the Board meets. You will *please treat this communication confidentially*. With the advice of Mr. Cross, I have called a meeting of the Board for next Saturday, at 1 o'clock P. M., (March 2.) Mr. Cross and myself are of the opinion that *you* ought to meet with the Board, and have such other person or persons to accompany you as, in *your* judgment, would be advisable. Mr. Cross also writes to you this morning.

Very truly yours,

J. J. WRIGHT.

EXECUTIVE OFFICE, February 28, 1878.

SIR: Referring to yours of yesterday's date, in which you state that Mr. Bancroft has made to you what he claims to be a full and complete state-

ment of his transactions in connection with the Normal School lands, and that you have called a meeting of the full Board of Regents for Saturday, this week, I have to say that I will meet with you at that time if it is possible; but in *no* event must your Board compromise with the delinquent, or compound his crime by any settlement or adjustment that shall shield him from the full force of the law in a criminal prosecution.

The wrong that has been done, or appears to have been done, is such an one that it is due to the State, it is due to you, it is due to every one who is connected with it, that a most searching and rigid investigation be had, let the consequences fall where they may.

Very respectfully,

GEO. T. ANTHONY, *Governor*.

To Hon. J. J. Wright, Emporia.

Accompanied by Auditor Bonebrake, I attended the meeting of Regents, as requested; and late at night it was determined that an arrest of the agent should be made the following morning. Deeming the case one of very great importance, and knowing that prosecution would meet with vigorous resistance, the following letters were addressed to the Attorney General, and correspondence had with Hon. Almerin Gillett, which resulted in employing him as associate counsel:

EXECUTIVE OFFICE, March 4, 1878.

SIR: It has come to my knowledge that E. P. Bancroft, agent or pretended agent of the Regents of the Emporia Normal School, for the sale of lands belonging to that institution, has sold lands without the knowledge of the Board, without its authority as alleged by them, and embezzled the funds. In addition to this offense, he has also conspired with others in the sale of lands belonging to the State.

A prosecution, criminal and civil, has been directed to be commenced against him, and I have employed Hon. Almerin Gillett, of Emporia, as associate counsel with you; the Board to be represented by Hon. J. H. Crichton, as an attorney on its part, who also appears as complainant in the prosecution.

I desire that you give this immediate attention, to the end that all wrongs committed by Mr. Bancroft, or other parties connected with him, may be brought to light, and adequate punishment follow such crimes.

Mr. Bancroft was to have been arrested yesterday. You shall be advised as soon as I have information.

Very respectfully,

GEO. T. ANTHONY, *Governor*.

Hon. Willard Davis, Attorney General, State of Kansas.

EXECUTIVE OFFICE, March 4, 1878.

SIR: In the case of a complaint to be made in the name of the State vs. E. P. Bancroft, charging him with embezzlement of Normal School Funds, I desire you to act as associate counsel to the Attorney General; and to

this end wish this letter to be received as an evidence of your employment subject to your acceptance.

You are doubtless aware that whilst the statutes of the State provide for the employment of counsel, at the discretion of the Executive, there is no existing appropriation to meet such liability on the part of the State.

Whether the contingent fund placed at my disposal will be adequate to meet this and other necessary expenditures, I am not at all certain, and your services may become a claim before the next Legislature.

You will please notify me at your earliest convenience, your acceptance or rejection of this proposition, together with a statement of your fees in the conduct of the case.

Very respectfully,

GEO. T. ANTHONY, *Governor*.

Hon. Almerin Gillett, Emporia, Kansas.

EMPORIA, KANSAS, March 16, 1878.

SIR: Your Excellency's favor of March 3d, inst., was placed in my hands on the 11th inst., and owing to my absence a formal answer was impossible until now. . . . I accept the appointment and its accompanying responsibilities, with a sincere desire on my part that the event will prove that the public service has not suffered thereby. . . . In event of the contingencies stated in your valued favor, I should think that a fair fee for seeing the case through, (as it will without doubt go to the Supreme Court,) would be five hundred dollars. This being a test case of this kind under the law of 1873, I expect to give it the whole attention that its importance demands.

Hoping these terms may meet your approval, I have the honor to remain your Excellency's very humble and obedient servant,

ALMERIN GILLETT.

To Hon. Geo. T. Anthony, Governor, Topeka, Kas.

#### TRIAL AND CONVICTION.

Every influence was brought to bear to secure a continuance of the case, at the time set for his trial. Assurances were urged that if given time, he could, through friends, make good to the State the amount embezzled; whereas, if forced to trial, all hopes of a recovery of the money would be at an end. It is proper for me to say in this connection, that I regarded a conviction as of much greater value to the State as an example and a warning, than a return of the money with a release of the offender, even had there been a reasonable hope of reimbursement, which was not the case, and I so stated to the attorneys of the State, as follows:

EXECUTIVE OFFICE, September 6, 1878.

SIR: Referring to the case of *The State of Kansas vs. E. P. Bancroft*, charged with embezzlement of State Normal School funds, I respectfully

urge upon you the importance of bringing him to trial at the present term of court.

Information has reached me that it is the purpose of his attorney to urge a continuance of the case. I can conceive of no good reason for such continuance.

The preliminary examination was held, and all the technical points exhaustively examined into, and passed upon by the court, and the case continued to the present term for trial. There can be no reason in the interest of the State, or demands of justice, for a continuance. The people look to you, and expect from you, a vigilant prosecution, and nothing else will satisfy the ends of justice, or the demands of the people, whom you represent. I am satisfied that a continuance of the case can only be sought as a means of blunting the edge of justice by time, and wearying the prosecution, to the end that a compromise may be had, which will be in effect the compounding of a great crime. Such examples have been too frequent in this class of cases, and there should be an example at least in Kansas, to show the people that a man who would violate a sacred, public trust, and embezzle funds set aside by the General Government for the education of the children of a State, should be treated with the same measure of punishment at least, as is meted out to the man who steals bread to feed a famished family.

This letter is not inspired by any personal feeling against the accused, nor from any desire to deprive him of all just and honorable opportunities for defense; but by an obligation to the State and to its people, to see to it that criminals, whose prosecution rests with us, shall not be allowed to escape through the meshes of the law.

Very respectfully,

GEO. T. ANTHONY, *Governor*.

Hon. Willard Davis, Attorney General, and Associate Attorneys.

[Telegram.]

September 6, 1878.

HON. WILLARD DAVIS, Emporia, Kas.: Every effort for delay in trial of Bancroft shall be resisted to the uttermost. Have written you.

GEO. T. ANTHONY.

Mr. Bancroft was convicted; and I may now be allowed to refer to the charges made against me, of relentless prosecution in his arrest and trial, that it was not a pleasing, but a painful duty, to assume the attitude I did. No one can sympathize more sincerely with the friends of the convicted, or more heartily deplore the misfortune which has befallen himself and his family, than myself.

The condition of these Normal School lands requires your patient attention. Innocent parties are now in possession of many of those sold, who have paid in part or in full for the land to Mr. Bancroft after he ceased to be an agent. In view of the



loose manner in which the trust was managed, they should be protected. Others hold contracts which I believe to be fraudulent in their inception, and should not be respected. The attorneys are diligently at work, and will, I hope, be able to give you information in time for action before your adjournment.

#### STATE NORMAL SCHOOL.

The State Normal School at Emporia suffered a serious impairment of its endowment through the default of Mr. Bancroft, its land agent. Ostensibly this loss is about \$8,000, but it is in fact more than double that sum. The lands realized but little more than half their current value at the time of sale. In fact, it is now clearly shown that in some instances a sale was negotiated at eight or ten dollars per acre to a second purchaser, before the sale had been made at five dollars by Mr. Bancroft to the party first purchasing. If the lands sold were to-day in possession of the school, they would sell for a sum \$20,000 greater than that realized.

This loss was quickly followed by a still greater disaster, in the burning of the school building. It has been the policy of the State to insure its own property, hence this burning involves a total loss of the value of the building.

The question of reconstruction will be one for you to consider. Whatever might be said of it, were the question an original one, I am convinced that the State cannot afford to have this important educational land-mark obliterated. It marks the devotion and liberality of a people at a time when its cost was a public sacrifice, an hundred fold greater than that of its reconstruction at this time. I hope it may be restored by you in its original dimensions and form. There are other and more potent reasons for this than the wish of the people residing in that portion of the State, or the vested right of Emporia, which city has expended liberal sums in its aid. The State as a whole should be a unit in holding intact all the original State institutions. Let none of them be lost.

#### MANAGEMENT OF SCHOOL LANDS.

The State holds no trust more sacred, if indeed any of greater magnitude, than these lands. The value of this endowment of common schools, and the necessity for business method in its management and protection, seem to have been lost sight of by legislators and people.



By act of admission the State received, exclusive of school lands within Indian reservations, 2,706,090.98 acres. To this may be added 265,000 acres secured by the State Agent, as heretofore stated, making a grand total of 2,971,090.98 acres. Of this, as shown by the current report of the State Auditor, only 215,217 acres have been sold and patented. How much is sold and under valid contract, I regret to say is beyond human ken. So loose, diffuse and untrustworthy is the present system of sale, that no data worthy of an approximate estimate exists.

The average price per acre realized from sales to date is \$4.23. Estimating the contracted and unsold lands at same rate, and we have the sum of \$12,567,714.85 as the proceeds of school lands alone as a permanent school fund. No man with faith in Kansas sufficient to justify his election as a representative but will admit that these lands will ultimately realize greatly more than this, if managed with integrity and business prudence. I have no hesitancy in saying, that from these lands and other sources of income to the permanent school fund, it will reach the sum of \$20,000,000.

But to do this, a radical change must be made in the manner of sale and system of accounts now governing. Our present laws provide no system, fix no responsibility, secure no protection. The contract and original papers connected therewith are neither passed upon nor sent to a State officer for record. Appraisements are irresponsible and capricious always, and too frequently made with reference to the wants of a purchaser instead of the interest of the State. The result is looseness in accountability, neglect of duty, and an ultimate waste and loss beyond estimate.

This state of things must continue until your wisdom shall provide a comprehensive system in accord with the imperative demands of business method and accountability. To devise such system, and put it in place of existing laws, I believe to be the most important work you can do for the State.

#### PARDONS.

Section 3 of chapter 73, Revised Statutes, provides that the Governor "shall communicate to both houses of the Legislature a list of all persons pardoned by him during the preceding year, with a statement of the offenses of which each was convicted, the

time of imprisonment, or amount of fine, and the condition, if any, upon which such pardon was granted."

Deeming this requirement both mandatory and wise, it is complied with, for the first time, I believe, in "Exhibit B" herewith.

Believing that other facts than these specifically named would be of value, I give you a brief, in each case, of reasons for clemency. I believe that the law should require this statement of reasons, as well as of fact, from every Executive who exercises the pardoning power, until such time as an amended law provides a court of pardons.

The practice of vesting the pardoning power in the Governor is based upon the theory of the divine right of rulers, which makes the offense run against the king, and therefore entitles him to exercise the power of clemency.

With us the right to govern is derived from the governed, and the offense of the criminal runs against the people, who alone can exercise the power of pardon. So delicate and doubtful a prerogative should be hedged about by laws, guarding its exercise, and fixing rigid rules of accountability for its use.

#### FUGITIVES FROM JUSTICE.

In July, 1877, information was received from one Gregory, that Samuel Lappin and C. G. Scrafford were at Callao, in Peru, South America, under assumed names. With this information, I felt it to be an imperative duty to secure, if possible, their return. The Hon. Attorney General prepared the necessary papers, and demand was made, but not before both had fled from Callao.

Subsequently, Mr. Scrafford was arrested, and while *en route* to this country was released from the officer in charge, by the Governor of Panama, on the claim that a citizen could not be held under arrest, whilst *in transitu* between two countries, in an intervening one having no treaty obligations with the others to surrender fugitives. The United States protested against this construction of international obligations, and demanded a re-arrest of Mr. Scrafford, and his surrender to the United States authorities; and he would undoubtedly have been so returned, had he not voluntarily surrendered himself to the State authorities here.

The Hon. Secretary of State in a communication says: "The interference of the Governor of Panama in the matter is regarded

as having been unnecessary and officious. A note to this effect has been addressed to the Minister of Foreign Affairs of Colombia, in which he has been requested to express to the Governor of Panama the displeasure of the Government of Colombia at his course. The note also expresses an expectation that Scrafford will again be arrested and held for transportation to this country for trial."

The trial of Mr. Scrafford, which has just terminated in conviction, has devolved an immense labor upon the Attorney General, who had to search for evidence and secure the attendance of unwilling witnesses, under the most adverse circumstances. It has also involved considerable cost, which should be promptly provided for, on statement of account, which will be furnished you by the Attorney General. Hon. A. M. F. Randolph, Attorney General at the time the offense was committed, and whose personal knowledge was of great value in securing testimony, cheerfully assisted in the trial as associate attorney, on the invitation of Attorney-General Davis. He should be reimbursed, and paid for his valuable services. Geo. R. Peck was also associated in the trial, by an engagement of my predecessor.

#### STRIKE OF RAILROAD EMPLOYÉS.

On the 4th of April last, a strike of engineers and firemen occurred on the Atchison, Topeka & Santa Fé Railroad, which soon assumed proportion requiring the interposition of State authority. An event so unusual, and one involving the use of this extreme power, with its incident cost, will warrant, if, indeed, it does not require, a statement of its cause and attendant circumstances.

To the end that you may have full and complete information, a carefully-collated record has been prepared and herewith published, as "Exhibit A." In reading this exhibit, it will not escape your notice that the attorney, sheriff, mayor and other officers of Lyon county and Emporia city deny, in a vigorous and threatening protest, the legal and rightful power of the Executive to interfere by military force in the execution of laws, except upon the demand of the local civil officers, after the full power of such municipal authority has been exhausted without avail. They assert, substantially, that the act of a Governor in sending the military, unbidden by them, for such purpose, works a legal wrong and an official insult to the people of county or city where

sent; that such sending is the equivalent of an invasion by an enemy, justifying the forcible ejection of such military intruders.

This raises a question of vital concern to the State—a question you should carefully consider, to the end, that if the constitution and the statutes of the State are in conflict, or either of them ambiguous in terms, on so important a subject, they may be put in harmony and made plain as soon as possible.

The Governor's powers, in connection with the enforcement of the laws, as understood by me, are not only determined but very clearly defined by the constitution. Section 3 of article 8, reads: "The supreme executive power of the State shall be vested in the Governor, *who shall see that the laws are faithfully executed.*"

If power thus vested in, and duty enjoined upon the Executive had been left without means to assert the one and perform the other, our constitution would have been a mockery of law and an insult to reason. But this is not the case. Ample means are placed in his hands to redeem all his obligations in this connection, by section 4, article 8, which says: "The Governor shall be commander-in-chief, and shall have power to call out the militia to *execute the laws*, to suppress insurrection, and to repel invasion."

The powers and duties of local municipal officers are fixed and defined by statute. It is their duty to execute the law; and when men, as in this case, confederate and conspire against it, extreme powers are given them by article 8, chapter 31, of the statutes, even to the calling upon every citizen within their jurisdiction to aid them in arresting offenders. But if they fail or refuse to do this duty, there is no power to compel them to do it. The Governor has no more control over them than they have over him. Neither are subject to the order, direction, or advice even, of the other. If there is any act of mine, in this case, subject to criticism, it is that of calling upon local municipal officers to do their duty. Although simply advisory and suggestive, they still would have been justified in resenting it as an unwarrantable interference.

There should be no confusion where all is so plain. It is the duty of local officers to enforce law and preserve order. But whenever and wherever they neglect or refuse to do this, the constitutional obligation of the Governor compels him to step in with the militia—which force the constitution has placed in his



hands for the purpose—and execute the law. The necessity for action, and the mode of proceeding, must be determined by the judgment and discretion of the Governor, subject only to the limitations fixed by the constitution.

I assumed the responsibility of meeting concerted lawlessness and organized crime with the means at my command for that purpose. If the facts, as you find them of record, did not justify the use of such means, it was an error for which no apology is due, for it was an error in the interest of law, and against anarchy.

#### LIABILITIES INCURRED.

The liability incurred in the use of militia, as sustained by adequate vouchers in the Executive office, was as follows:

Transportation of Capt. Ziegler's company from Independence to Lawrence, via Leavenworth, Lawrence & Galveston Railroad, \$870.75; transportation of Capt. Walkinshaw's company from Leavenworth to Topeka, via Kansas Pacific Railroad, \$203.50; subsistence of troops at Topeka and Emporia, \$341.90; telegraphing, transporting arms, etc., \$107.60; payment of soldiers for service, \$978.00; total, \$2,501.75.

Cost of transportation is due to the companies furnishing it. Cost of subsistence, pay of men, and all expenses except transportation, were met by an advance of moneys by Atchison, Topeka & Santa Fé Railroad Company, on my request and obligation, as subsistence could not be obtained without present payment, and the men were not able to wait legislative action for their compensation.

The appropriations should run to the parties named—\$870.75 to the Leavenworth, Lawrence & Galveston Railroad Company; \$203.50 to the Kansas Pacific Railroad Company; and \$1,427.50 to the Atchison, Topeka & Santa Fé Railroad Company.

#### STATE ARMORY.

By an act of March 13, 1877, the sum of *two thousand dollars* was appropriated and made subject to my order for the purpose of erecting a State Armory. The plans and specifications were made without cost to the State, through the courtesy of E. T. Carr, Esq., architect. The contract was let to Messrs. Lindell and Allen, of Topeka, for labor and material to complete the building, for the sum of the appropriation, \$2,000.



Subsequently, a sub-contract was made with the same parties for a slate roof, and stone steps, in place of wood, at a cost of \$130, which was paid from my contingent fund. The contracts, plans and specifications will be found on file at the Executive office, if further information is required.

#### INTER-STATE RELATIONS.

Nothing has occurred to mar our relations with sister States, except with the State of Ohio in relation to obligations arising under the inter-State extradition laws. This controversy having been permitted to find its way to the public from the Executive office of Ohio, and presented through public journals in a distorted form, I deem it of sufficient importance to lay before you the facts.

On December 8, 1877, I required the surrender of one Geo. I. Hopkins, on papers carefully prepared by Isaac N. King, Esq., County Attorney of Sumner county. This demand was refused by the Governor of Ohio, upon opinion of Attorney General of that State, as shown by letter and opinion following :

STATE OF OHIO, EXECUTIVE DEPARTMENT, }  
COLUMBUS, January 26, 1878. }

*To the Governor of Kansas:*

YOUR EXCELLENCY: Your requisition upon the Governor of this State for the delivery of George I. Hopkins, was yesterday presented to this Department.

The Governor declined, upon the advice of the Attorney General, to issue upon the requisition. I have the honor to inclose herewith a transcript of the opinion.

I am, your Excellency's obedient servant,

ROBT. F. HURLBUTT,

*Private Secretary to Governor of Ohio.*

[Opinion of Attorney General.]

STATE OF OHIO, EXECUTIVE DEPARTMENT, }  
COLUMBUS, January 25, A. D. 1878. }

*To His Excellency R. M. Bishop, Governor:*

I have given most careful attention to the sufficiency of the requisition and accompanying papers of the Governor of Kansas upon yourself, for a warrant for the arrest of one George I. Hopkins, now a resident of Ohio, to be delivered up to an agent of the State of Kansas, to be transported to said State for trial for the alleged crime of seduction.

The commonwealth of Ohio is and has ever been watchful and jealous of the personal liberty of her citizens. She permits no one to be deprived of his liberty without "due process of law."

The right to demand of the Governor of a State or Territory that a citizen of his State or Territory be delivered up and transported to another State or Territory for trial, is an extraordinary right, and only to be exercised where the federal laws are complied with *in the most strict manner*.

The statute of the United States provides that the right of the Executive of a State or Territory to demand of an Executive of another State or Territory for the return of a fugitive from justice, for trial, depends upon the fact whether the alleged fugitive has been *indicted* for the offense, or is charged by *affidavit* before a magistrate.

In the case in hand, the party sought to be transported to another State is charged neither by indictment nor affidavit, but by *information*—a mode of presenting a party with an offense unknown to the laws of the United States.

I must, therefore, say that the warrant should not issue.

Respectfully,

(Signed) ISAIAH PILLARS, *Attorney General*.

On January 25, 1878, a second demand for Hopkins was made, this time upon an affidavit before a magistrate, which was in time refused in writing, as follows:

STATE OF OHIO, EXECUTIVE DEPARTMENT, }  
COLUMBUS, April 6, 1878. }

*To His Excellency Governor Anthony, Topeka, Kansas:*

DEAR SIR: The warrant asked for the arrest of Geo. I. Hopkins has been submitted to the Attorney General for his opinion, and he indorses it, "Not approved, for reasons heretofore assigned, when application was before made for same party for same offense."

I will only add, that it is a case not coming under the criminal statutes of Ohio, and hence declined by the Governor.

Yours, respectfully, ALBERT ALLEN, *Acting Private Sec'y*.

This second refusal was very justly protested against by Isaac N. King, Esq., the County Attorney of Sumner county, who had prepared the papers each time with great care, and in strict accordance with law. He says: . . . "You have issued two requisitions directed to the Governor of the said State of Ohio, in this matter, in accordance with the laws of our State; and the Governor of Ohio has twice refused to issue a warrant for the arrest of the said Hopkins, thus shielding him from the punishment he so justly deserves, on account of his terrible crime. I would now ask that you as Governor take some steps in this matter to secure the return of said fugitive for trial, under the laws he has violated. Please advise me of what steps you will take in this matter."

It having been uniformly held that while this law of Congress

created an unconditional obligation upon the several States, whenever a proper case was presented, yet, no means were provided for its enforcement against an Executive who refused compliance therewith. There was nothing left but to decline recognition of a like obligation in return. This I took occasion to do in October last, in words following:

EXECUTIVE DEPARTMENT, TOPEKA, NOV. 8, 1878.

SIR: Referring to your requisition, under date of 23d October, 1878, for one Peter C. Becker, charged with embezzlement in the county of Butler in your State, which was presented by Mr. M. Thomas, your authorized agent to receive him, in connection with my refusal to issue a warrant for the arrest and surrender of the said alleged criminal, I beg to state for your information the reasons for such refusal.

On December 8, 1877, I issued a requisition for one George I. Hopkins, charged with crime in this State, who had taken refuge, and was then a fugitive from justice, and in the State of Ohio.

Under date of January 26, 1878, I was informed by your private secretary that you declined to surrender the culprit, for reasons set forth in an opinion of the Hon. Attorney General of your State, a copy of which said opinion was transmitted for my information.

This opinion of the learned attorney, after reciting the fact of the demand, and expressing the extreme jealousy of the Commonwealth of Ohio for the personal liberty of her citizens, and its purpose to see that no one of them was deprived of such liberty without due process of law, and further declaring that the right of a Governor of a State to demand the surrender of a fugitive by another State was an "extraordinary right, only to be admitted by the surrendering State when the federal laws were complied with in the most strict manner," concludes, that whereas my demand was based upon an *information* instead of an "indictment" or "complaint," before a justice of the peace, there was nothing to justify the demand or to sustain the delivery, an "information being a mode of presenting a party with an offense, unknown to the laws of the United States."

Not wishing to question the opinion of your Attorney General, yet dissenting from his assumption that proceeding by information was "a mode unknown to the laws of the United States and in the practice of the Federal Courts," I returned the papers to the proper authorities for correction, as indicated by his objections.

On March 3, 1878, a second requisition was made, this time based upon an "affidavit before a magistrate," in strict accord with the requirements of the United States statutes, and the suggestions of the learned attorney. This second demand was refused by you, your Secretary giving as a reason therefor that the question had been submitted to the Attorney General for his opinion, and he indorsed it, "Not approved, for reasons heretofore assigned, when application was before made for same offense."

This in the face of the fact that the first refusal was because the demand

did *not* rest upon an affidavit before a magistrate, or precisely what this second demand refused *did* rest on.

To this fictitious objection of the Attorney General, you volunteer an additional reason for your refusal, viz.: "That it is a case not coming under the criminal statutes of Ohio, and hence denied by the Governor."

In view of the uniform interpretation of the obligation of States by Legislatures and courts, to the effect that it is enough, if "a requisition is supported by an indictment or complaint, duly accompanied by executive averment that the particular offense is a crime in the State where it was committed," and that for the Governor, upon whom requisition is made, "it is immaterial to consider what is the nature of the offense charged against the prisoner, *for we have only to consider, whether it be a crime according to the law of the State from which the party is alleged to have been a fugitive.*" (See 6 Penn. Law Journal, 412, case of John S. Clark; New York, 9 Wend., 212; case of Haywood, Sup. Court of New York, 1 Am. Law Jour., N. S., 271, 1848; case of Johnson v. Riley, Sup. Court of Georgia, 13 Ga., 97; case of Fetter, Sup. Court N. J., 3 Zab., 311; and the Sup. Court of Maine, 6 Am. Law Jour., 226.)

This can only be construed as a determination on the part of the State of Ohio to refuse a recognition of its obligations to the State of Kansas in this relation. If it be true, as you assert, that the laws of Ohio do not recognize seduction under the revolting conditions presented in this case as a crime, I still deny the right of that State to refuse a rendition of such criminal for punishment in States where a higher morality has denounced a penalty against it as a crime hardly less heinous than that of murder.

The whole correspondence conveys so conclusively a fixed purpose to refuse a recognition of the rights of the Commonwealth of Kansas, as to compel me, from a sense of duty, to decline your demands, made under and by virtue of act of inter-State comity, which the State of Ohio refused to respect.

Deeply regretting the circumstances which have forced this action as the only means of vindicating the honor of the State,

I am, sir, very respectfully,

(Signed) GEO. T. ANTHONY, *Governor.*

To His Excellency R. M. Bishop, Governor of Ohio.

STATE OF OHIO, EXECUTIVE OFFICE, }  
COLUMBUS, Nov. 21, 1878. }

*To His Excellency Governor Anthony, Topeka, Kansas:*

SIR: Yours of 8th inst. received, stating your reasons for declining to honor a requisition made upon you by me for the surrender of one Peter C. Becker, charged with embezzlement. My own absence East has been one of the causes of my delay in answering. In addition to this, the Attorney General was absent upon my return home. I have, however, submitted your letter to him, and herewith inclose you his reply, which speaks for itself. I very much regret the circumstance has occurred, as my desire is to remain on the most amicable relations not only with your State, but



all other States. The warrant for Hopkins's arrest will be issued whenever again demanded.

Respectfully yours,

RICHARD M. BISHOP, *Governor*.

STATE OF OHIO, ATTORNEY GENERAL'S OFFICE, }  
COLUMBUS, November 20, 1878. }

*To His Excellency R. M. Bishop, Governor of Ohio :*

SIR: The communication from his Excellency Geo. T. Anthony, Governor of Kansas, of the date of the 8th inst., handed to me, has been carefully read.

His Excellency, the Governor of Kansas, certainly has cause to complain for not issuing a warrant for the arrest and extradition of George I. Hopkins, an alleged fugitive from the State of Kansas, in pursuance with the requisition of the Governor of Kansas upon the Governor of Ohio, of the date of March 23d, 1878. The blame in the matter attaches to this office.

The mistake occurred as follows: On January 26th, 1878, a requisition issued by the Governor of Kansas upon the Governor of Ohio, for the extradition of said Hopkins, based upon an information, was submitted to me under the rules of your office, for approval.

I disapproved the issuing of a warrant upon said requisition, for the reason stated in my opinion of the date of January 26th, 1878, a copy of which was transmitted to his Excellency Governor Anthony.

When the requisition of the date of March 23, 1878, was presented to me for my approval, I was informed that it was but a duplicate of the requisition in the same matter already passed upon; and thereupon, supposing such to be the fact, I indorsed the requisition, "Not approved, for reasons heretofore assigned, when application was heretofore made for same party for same offense."

Upon examination, it appears that the requisition was based upon an *affidavit charging* the offense, and the warrant should have issued; and I now recommend that the same issue.

With this explanation and correction, I hope the amicable relations between the coëqual States of Kansas and Ohio may be restored.

Your Excellency's obedient servant,

ISAIAH PILLARS, *Attorney General of Ohio*.

#### INDIAN RAID.

In September and October last occurred an Indian raid resulting in loss of life and property at once terrible and disastrous. About Sept. 8th, it was rumored that a band of Northern Cheyenne Indians had left their reservation, near Fort Reno, and were moving toward this State. This report was promptly communicated to Gen. John Pope, commanding this military department, who assured me that there was no danger. He represented that the Indians in question had been driven out by hunger in



search of food, that through neglect, or worse, had been withheld from them by the Government. He assured me, also, in most positive terms, of his disposition and ability to protect settlers from harm, should the Indians come into the State.

Little was heard further until Sept. 18th, when the following message was received by me at Leavenworth:

DODGE CITY, Sept. 18, 1878.

GEO. T. ANTHONY, *Governor*: Three hundred Indians are driving off stock and killing herders. They are now within six miles of our city. We are without arms, having equipped numbers who have gone south. Can you send us arms and ammunition? Situation alarming. We are powerless without arms and ammunition.

JAMES KELLY, *Mayor*.

C. W. WILLETT.

H. E. GREYDEN.

D. SHEELY.

This was at once communicated to Gen. Pope by me, and responded to as follows:

[Telegram to Gen. Pope.]

SEPTEMBER 18, 1878.

MAJ. GEN. JOHN POPE, *Fort Leavenworth*: Following just received from Dodge City: "Three hundred Indians are driving off stock and killing herders. They are now within six miles of our city. Situation alarming. We are powerless and unprotected. Can you send us arms and ammunition?" Are these reports true, and is State intervention necessary to protect life and property? Answer here.

GEO. T. ANTHONY.

[Gen. Pope's reply.]

FORT LEAVENWORTH, KAS., Sept. 18, 1878.

GOV. ANTHONY: Gen. Pope in town. Telegram just received from commanding officer Fort Dodge, who has for a week had his orders about the Indians, makes no mention of their being in the vicinity.

PLATT, A. A. G.

The parties were immediately directed to look to the commanding officer at Fort Dodge for assistance, and Gen. Pope advised accordingly, as follows:

[Dispatch to Mayor Kelly, Dodge City.]

LEAVENWORTH, KAS., Sept. 18, 1878.

TO JAMES KELLY AND OTHERS, *Dodge City, Kas.*: I have your demand for arms. Have you called on commanding officer at Fort Dodge for protection? He does not report trouble to Gen. Pope. Will send on special train arms in charge of Adjt.-Gen. Noble.

GEO. T. ANTHONY.

[Dispatch to Gen. Pope.]

SEPTEMBER 18, 1878.

GEN. JNO. POPE, *Fort Leavenworth*: Have referred parties calling for aid to commanding officer, Fort Dodge, and promising arms if U. S. forces could not protect them. Special to Kansas City press reports murders by Indians near Dodge City.

GEO. T. ANTHONY, *Governor*.

Soon after the above, a second and still more urgent demand came from Mayor Kelly, and was followed by a second one upon Gen. Pope, and the inauguration of measures to extend the aid required if the General failed to respond, as the following telegrams will more fully show:

[Dispatch from Dodge City.]

DODGE CITY, KAS., Sept. 18, 1878.

GOV. GEO. T. ANTHONY: Indians are murdering and burning houses within three miles of town. All the arms we have have been sent out: can you send us arms and ammunition immediately?

H. SHINN.

T. S. MCCARTHY.

R. W. EVANS.

JAMES C. CONNOR.

C. W. WILLETT.

[Dispatch to Gen. Pope.]

LEAVENWORTH, KAS., Sept. 18, 1878.

GEN. JNO. POPE, *Fort Leavenworth, Kas.*: Mayor and citizens say Indians are murdering and burning houses within three miles of Dodge City. I must send arms and ammunition if you have not an adequate force there to protect citizens. Answer.

GEO. T. ANTHONY.

[Dispatch to General-Manager Strong.]

SEPTEMBER 18, 1878.

W. B. STRONG, *Gen'l Manager A. T. & S. F. R. R., Topeka*: Can you send special with arms and ammunition in charge of Adjutant-General Noble, to-night?

GEO. T. ANTHONY.

[Mr. Strong's reply.]

TOPEKA, KAS., Sept. 18, 1878.

GEO. T. ANTHONY: Yes, sir. Name the hour you wish to have the train start, and the place you wish to reach.

W. B. STRONG.

Mayor Kelly answered my telegram, referring him to commanding officer at Fort Dodge, in words following:

DODGE CITY, Sept. 18, 1878.

GOV. ANTHONY: No U. S. troops here, and no arms at post. The country filled with Indians. Send arms immediately — breech-loaders.

JAMES H. KELLY, *Mayor Dodge City*.

Upon receipt of this I at once visited Gen. Pope, who again asserted that it was a "scare," and said there were not more than seventy-five warriors in the party, and they absolutely free from hostile intent upon the lives of settlers. His information also was to the effect that no Indians had been within many miles of Dodge City, and the report to me of depredations on that day entirely without foundation. On this authentic information the sending of arms was deferred until the following day. Mayor Kelly was advised of Gen. Pope's views, and was offered arms, if still required, as follows:

[Dispatch to Mayor Kelly.]

SEPTEMBER 19, 1878.

JAMES H. KELLY, *Mayor Dodge City, Kas.*: Adjutant General will come with arms and ammunition by to-day's train, if you still deem it necessary. Gen. Pope says there are not seventy-five Indians now at large. Answer at Topeka.

GEO. T. ANTHONY.

[Dispatch to Manager Strong.]

SEPTEMBER 19, 1878.

W. B. STRONG, *General Manager, Topeka*: Adjutant General will go down with arms on passenger train to-day. Please provide for him.

GEO. T. ANTHONY.

Adjutant-General Noble went out with arms and ammunition, as above indicated, and issued them in numbers and manner shown by the following report:

DODGE CITY, KAS., Sept. 20, 1878.

GOV. GEO. T. ANTHONY: Have issued one hundred stand of arms and seven thousand rounds of ammunition to Mayor of Dodge; forty stand and two thousand ammunition to citizens of Cimarron; also, sixty stand and ammunition to Capt. Friedley, of Medicine Lodge, upon urgent request. All quiet at Dodge now, and citizens feel confident that they can meet any emergency. Rumors that Indians are near Lakin, and United States troops concentrating at other points. Shall return to-night, as nothing further can be accomplished by staying.

P. S. NOBLE, *Adjutant General*.

I was at Iuka, Pratt county, on the 24th of September, and found much excitement; some settlers actually leaving from points not less than twenty miles south and west of that place. To get the truth and allay fears, I sent a trusty messenger to Capt. Johnson at once, with a request that they go to Sun City and report the result of careful investigation. Capt. Johnson reported the next day, as follows:

Sept. 25, 1878.

MR. ANTHONY: I received a letter from you this morning, handed me by our friend Mr. Nelson. Was pleased to see the interest you take in our Indian scare, which is much smaller than reported. Mr. Nelson and myself went to Sun City, and found out all particulars in regard to the Indian trouble. Mr. Nelson has the names of killed and wounded, except two men. I anticipate no further trouble from Indians.

A. J. JOHNSON.

Mr. Nelson reported three killed and three wounded, and fully sustained the views of General Pope, that the Indians were only in quest of food, ponies and arms, and were not disposed to attack any one until resisted in such taking of property.

## THEY GO NORTH.

On October 2d the following telegrams were received by me at Leavenworth:

ELLIS, October 2, 1878.

GOV. ANTHONY: Reliable information has just been received that eighteen white men were killed this morning by Indians, near Buffalo. Please send immediately one hundred guns and ammunition to Ellis, together with such other assistance as you can afford. We can furnish a number of volunteers.

DAVID RATHBONE.

ELLIS, October 2, 1878.

GEO. T. ANTHONY: Cheyennes depredating western Kansas; troops have scattered them, and made matters worse. Our men need arms badly; help us.

J. C. HENRY,

*Secretary Western Kansas Stock Association.*

Response was immediately made that arms would be sent and Adjutant General directed accordingly, by wire:

[Telegram to Mr. Henry.]

LEAVENWORTH, October 2, 1878.

J. C. HENRY AND DAVID RATHBONE, *Ellis, Kan.*: Will send Adjutant General with arms to-night. Keep me fully advised of the situation.

GEO. T. ANTHONY.

[Telegram to Adjutant General.]

LEAVENWORTH, KAS., Oct. 2, 1878.

P. S. NOBLE, *Adjutant General*: Be prepared to go west on Kansas Pacific train to-night, with one hundred and fifty arms and ammunition, if ordered.

GEO. T. ANTHONY.

[Telegram to Sup't Oakes.]

LEAVENWORTH, KAS., Oct. 2, 1878.

T. F. OAKES, *Gen'l Sup't K. P. R. R., Kansas City*: Call for arms to resist Indians at Ellis. Will you authorize passenger train to take them to-night?

GEO. T. ANTHONY.

[Sup't Oakes's reply.]

HUGO, COL., Oct. 2, 1878.

GEO. T. ANTHONY: This will authorize you to ship the arms to Ellis by passenger train, free of charges.

T. F. OAKES.

I went at once to Fort Leavenworth and had an interview with Gen. Pope. He gave me particulars of the movement of Indians, and of troops in pursuit. Did not believe the report of massacre, and authorized me to say to all parties on line of Kansas Pacific railroad that the Indians had all left the State, with military in close pursuit—"Not a hostile Indian within a hundred miles." This interview was immediately reported, and additional information sought.



[Telegram to Mr. Henry.]

LEAVENWORTH, Oct. 2, 1878.

J. C. HENRY AND DAVID RATHBONE, *Ellis, Kansas*: Had interview with General Pope, who says: No hostile Indians in Kansas; no Cheyennes within a hundred miles of Buffalo to-day. Have you confirmation of dispatches sent me? Answer.

GEO. T. ANTHONY.

[Telegram to Station Agent.]

LEAVENWORTH, Oct. 2, 1878.

STATION AGENT, *Buffalo Station, Kansas*: Reported eighteen citizens killed by Indians to-day near you. Give me essential facts by wire at once.

GEO. T. ANTHONY, *Governor*.

[Station Agent's reply.]

GEO. T. ANTHONY, *Governor*: J. C. Henry has given you all the particulars.

C. T. LYON, *Agent*.

Telegrams were immediately received fully confirming reports of outrages made earlier in the day, and claiming that Indians were still in the vicinity:

[Telegram from Mr. Keeny.]

WAKEENY, KAS., Oct. 3, 1878.

GEO. T. ANTHONY: Three Indians seen this morning eleven miles north from here by Clark, whose word is as good as General Pope's.

J. F. KEENY.

[Telegram from Mr. Henry.]

BUFFALO, KAS., October 2, 1878.

GEO. T. ANTHONY, *Governor*: Seventeen men known to be killed, on Sappa; one wounded, on Solomon, night before last; settlers in southern Nebraska in great danger. Surgeons from here with citizens' guard to go north will meet Adjutant.

J. C. HENRY.

Arms and ammunition were sent with the Adjutant General, who issued them, and took security therefor, at such points as they were demanded; a full report of which follows:

TOPEKA, KANSAS, Oct. 15, 1878.

TO HIS EXCELLENCY GEO. T. ANTHONY, *Governor, and Commander-in-Chief*: According to orders received from you, I proceeded to distribute arms along the line of the Kansas Pacific Railway, taking such security therefor as I could get, in consideration of the exigencies of the case and demand of the parties. The following are the places and names of parties to whom arms were issued under the above orders:

J. F. Keeny, Wakeeny, Kas., 50 Sharp's carbines and 1,300 rounds of ammunition.

O. B. Richards, at Carlyle, Kas., 10 carbines and 300 rounds of ammunition.

G. W. Kimball and others, Ellis, Kas., 50 carbines and 1,000 rounds of ammunition.

J. R. Hamilton, 20 carbines and 700 rounds of ammunition.



Kansas Pacific Railway Company, at Buffalo, 30 Sharp's carbines and 1,000 rounds of ammunition.

J. M. Gravelly, 2 Sharp's carbines.

J. C. Henry, Ellis, Kas., 50 Sharp's carbines, with 4,000 rounds of ammunition.

J. H. Edwards, 20 Sharp's carbines and 2,000 rounds of ammunition.

J. H. Marr and others, and J. L. Worley and others, of Norton and Decatur counties, 100 carbines, with 2,000 rounds of ammunition.

I arrived at Ellis, made the proper distribution, and then telegraphed for special train to take me along the line at the different points. Left Ellis, accompanied by Hon. J. H. Edwards, at 7 o'clock; reached the last station, Carlyle, at 12 midnight, and returned as far as Wakeeny, where I found great excitement in regard to a rumor that Indians had stampeded the ranch of Mr. Henry. The rumor proved false, and quiet reigned to a certain degree. In fact, the whole country is alarmed, and the demand for arms is tenfold that which can be supplied by the State.

I wish to say right here, that in the matter of bonds, I was compelled to violate the provisions of the statutes as to the issue of such arms, and took the responsibility of letting citizens have them where in my opinion there was danger of attack.

I trust my action in the matter will be justified; and I know it would have been condemned had I lived up to the strict letter of instructions and the law, and refused such aid. I shall take the opportunity, in making my report, to call the attention of the Legislature to this matter, suggesting that discretionary power be given the Adjutant General in such cases, thereby relieving him of the responsibility imposed by the present law.

I am, sir, very respectfully, your obedient servant,

P. S. NOBLE, *Adjutant General.*

The history of this sad affair is conclusive of neglect and inefficiency somewhere. Confiding in the superior knowledge of Gen. Pope, and his positive and repeated assurances of protection, I did not act beyond urging and demanding what the State had a right to expect from the General Government—absolute protection. That Gen. Pope was sincere in his assurances of safety, there can be no doubt. That he was sadly in error, cannot be denied.

There can be but one means of sure protection from a recurrence of this disaster: the Indians must be put under military surveillance, with an adequate force to hold them upon their reservations. To protect the western border against bands of Indians, allowed, as these were, to roam, would require a standing army larger than the whole military force of the United States.

I have made urgent demand upon the General Government

for the surrender of the chiefs, and such members of this depre-dating band of Indians as may be identified, to the civil courts of the State, for trial. Also, that an adequate force be stationed on the southern border between us and the Indian reservations, to fully protect the State. Compliance with both these demands has been assured. That you may fully understand the *status* of the demand for surrender, I add the correspondence in relation thereto:

TOPEKA, KANSAS, Nov. 11, 1878.

SIR: On Sept. 9th past, a band of Northern Cheyenne Indians escaped from their reservation, at Fort Reno, I. T., and took up their march northward. In their passage across this State, which covered a period of nearly thirty days, they not only evaded capture by the U. S. military forces, but they committed crimes against life and property, savage and revolting in their character, and disastrous in pecuniary loss.

More than forty men were murdered, and many women ravished and worse than murdered. An Indian invasion, so unexpected and so revolting in its fiendish details, has awakened a feeling of profound anxiety, and a rightful demand for the adoption of extreme measures to prevent a recurrence. If this band can be permitted to flee its reservation and traverse two States, plundering and murdering at will, before even a portion of their number are captured, and not meet with exemplary punishment, then the reservation system should be abandoned as a failure, and the frontier citizen surrendered to a condition of perpetual peril.

To end such undertakings on the part of the Indians, and protect the future from their consequences, an example of adequate punishment should be made in their case.

To return this band to their reservation, with its chiefs and leaders, would be a wrong to this State, against which I protest in the name and on behalf of its entire population. I cannot believe such a thing will be seriously contemplated.

On mature reflection, and with thoughtful reference to the demands of law and justice, as well as the ends of public safety, I feel it an imperative duty to call upon you for a surrender to the proper officers of the civil courts of the State of Kansas, for trial and punishment under its laws, the principal chiefs, "Dull Knife," "Old Crow," "Hog," "Little Wolf," and others, whose identity can be established as participants in the crimes of murder, and woman-ravishing.

I believe there is a precedent for this demand, in the surrender to the civil courts of Texas of "Satanta," and one other chief, in the year 1872. But if there is no precedent, public necessity and simple justice would, I believe, be ample justification for this demand.

The laws of Kansas work a practical abolition of capital punishment, but the fact of surrender to the civil authorities for trial, with a conviction

followed by sentence of death, or imprisonment for life, would have a salutary effect, and, as I believe, work protection and comparative security.

Very respectfully,

GEO. T. ANTHONY, *Governor of Kansas.*

To the Hon. Secretary of War, Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE MISSOURI, }  
FORT LEAVENWORTH, KAS., Dec. 31, 1878. }

*Hon. Geo. T. Anthony, Governor of Kansas, Topeka, Kansas:*

GOVERNOR: I have the honor to inform you that I have received orders from the War Department to turn over to the civil authorities of Kansas, such of the Cheyenne prisoners *en route* to this place, from the north, as can be identified as the criminals who committed murder or other crimes during the raid of the Indians through Kansas in September last. As it is desirable not to keep these Indians here longer than necessary, I have to request that such persons as may be needed for the identification of the criminals be sent to meet the Indians on their arrival here. I cannot yet tell exactly when they will reach here, but I will notify you by telegraph as long as possible in advance — perhaps a week.

A considerable force of infantry will be sent within a few days to Camp Supply, and to a point on the Canadian, half-way between that post and Fort Reno, to cover the southern line of Kansas as far as is practicable for the present.

Of course you know as I do, that infantry is not a very effective force to head off or pursue parties of mounted Indians. You know also that until parties of Indians from the Indian Territory break away we have no right to act against them except on application of the Indian agent, or until they have passed out of the limits of their reservation; and that we have no power to inquire into their condition or wants, or to remedy either, nor can we use any precautionary measures of repression, whatever may be the indications of their purpose to break away, unless first asked to do so by the agent. Thus tied up, there is nothing left to the military except to wait until the Indians are gone or until the agent asks the military to act, which for obvious reasons he is very reluctant to do until it is too late for effective measures to prevent trouble.

For these reasons, a considerable cavalry force is needed, not only near these Indians, but on the western frontier of Kansas, to take the field whenever parties of Indians leave their reservations.

The condition of affairs in the Indian Territory makes such a force absolutely necessary on this frontier, but I regret to say that necessities equally pressing in other parts of the country, and even more pressing in some places, demand the service of cavalry elsewhere; and although both Gen. Sheridan and myself understand and have long understood and tried to provide for the necessities of the situation, as has also the General of the Army, there is actually not the cavalry force to send for the present. I hope, however, before many weeks, to get six companies of cavalry, which

I will so place as to secure the frontier settlers as far as activity and zeal can do so with such a force.

I write this letter to you, that you may understand the position in which the military forces of this department are placed in relation to the Cheyennes and Arapahoes, Kiowas and Comanches, and other wild Indians in the Indian Territory.

I repeat that we are powerless to act against these Indians, whatever we may know or believe of their purposes, until they leave the limits of their reservations, or until the Indian agent asks military interposition.

It would not be difficult for the military forces, if they had the authority to encamp at these agencies, to feed the Indians so that they would have no excuse to leave; and to enforce their stay at the agencies by constant repressive force, if necessary. Unfortunately we have no such power; and our only function is to *pursue*, which, as you need not be told, is almost unavailing over these wide plains, after the Indians have once started. It is due to the military forces that I should write these facts to you, as there appears to be a disposition to censure the troops for transactions which they have no power to control, either by precautionary or repressive measures.

Very respectfully, your obedient servant,

JNO. POPE,

*Brevet Major General U. S. A., Commanding.*

GEO. T. ANTHONY, *Governor.*

EXECUTIVE DEPARTMENT, TOPEKA, Jan. 13, 1879.

#### EXHIBIT A.

##### HISTORY OF RAILROAD STRIKE.

The following telegrams and communications relating to the disturbance on the line of the Atchison, Topeka & Santa Fé Railroad, taken in the order of their occurrence and date, will afford a succinct history of the strike, and show the necessity of interference on the part of the Executive.

On the morning of April 5th, the following communication was received from Superintendent Morse:

GOV. ANTHONY: There is a large mob about our depot, threatening violence. I have called on the sheriff, and he is trying to raise a posse, but we may need help from the State. Will you protect this company and its property?

C. F. MORSE, *General Superintendent.*

Topeka, April 5th.

To which the following answer was made:

EXECUTIVE OFFICE, TOPEKA, April 5, 1878.

SIR: Referring to your note of this date, in relation to disturbances upon your road, I would respectfully refer you to article 8, chapter 31, Revised Statutes 1868, which provides the mode of procedure for the suppression of such irregular and riotous conduct. In this connection I have to



assure you of my full sympathy, and that the power of the State shall be brought to bear to suppress any effort to drive peaceable laborers from their work upon your road or elsewhere.

Proceedings should be strictly in conformity to law, with great care, and, above all, conducted in such a manner as not to precipitate a conflict without abundant means to master all opposition. After your appeal to local authorities, or before, I shall be pleased to confer with you in relation to the means required. I urge caution and forbearance.

Very respectfully, GEO. T. ANTHONY, *Governor*.

To C. F. Morse, Supt. A. T. & S. F. R. R.

On the same morning the following telegram from General Manager Strong was received from Pueblo:

PUEBLO, COLORADO, April 5, 1878.

GOV. GEO. T. ANTHONY: Very unexpectedly, and without notice, or assigning any reason, most of our engineers refused to work yesterday. Everything quiet so far. Will have others in a day or two. You will favor us by suggesting to the authorities at Topeka—also at Atchison, Emporia, Newton, and Dodge City, by wire—to be ready to meet any emergency. Please acknowledge receipt of this telegram to me here.

W. B. STRONG, *General Manager*.

In answer to which, the following telegram was sent:

EXECUTIVE OFFICE, TOPEKA, April 5, 1878.

To W. B. STRONG, *General Manager Atchison, Topeka & Santa Fé Railroad, Pueblo, Colorado*: The following telegram has been sent to the authorities of the principal cities on the line of your road:

"TOPEKA, April 5, 1878.

"I am informed that a class of employés on the Atchison, Topeka & Santa Fé Railroad have organized to offend against the public peace by conspiring to prevent the operation of trains on said road, without their consent. It is expected that the civil authorities will protect peaceable laborers and arrest offenders, under authority of article 8, chapter 31, General Statutes of Kansas, 1868. Ample preparations should be made to check disturbances and arrest offenders the moment such organized resistance to the laws is developed. To this end the full power of the State will be brought into requisition for the preservation of law and order. GEO. T. ANTHONY, *Governor*."

The following dispatch on the same day was received from the Mayor of Emporia:

EMPORIA, April 5, 1878.

GEO. T. ANTHONY, *Governor*: Your dispatch received. There is no disturbance whatever in this city. When any does occur we are prepared to act promptly.

J. S. WATSON, *Mayor*.

On the afternoon of the 6th, General Manager Strong came to the capital, and reported that he had just come over the road from Colorado; that at Emporia it required the sheriff and five men to protect the train-men; and that in the opinion of Sheriff Conner, it would require a force of fifty men to insure safety



and protect passing trains, if any attempt was made to move freight. Whereupon the following correspondence with Sheriff Conner was had :

TOPEKA, April 6, 1878.

SIR: Can you organize an adequate force of not less than fifty men, who will protect the property of the A. T. & S. F. Railroad Company, and see that no trains, passenger or freight, are molested while passing through your county? If you desire authority beyond that in the statutes, I will see them mustered in under your command as militia of the State; and all expenses incurred for services and subsistence shall be paid. Answer promptly.

GEO. T. ANTHONY.

To Sheriff H. Conner, Lyon County, Emporia, Kansas.

Reply of Sheriff Conner, to the above dispatch :

EMPORIA, April 6, 1878.

To GEO. T. ANTHONY: I think I can get fifty good men. Will try to have twenty armed men on duty in the morning, and more just as fast as arms can be procured. I shall swear them in as deputies, but wish, under authority you have given, to consider them militia. If you can send twenty stand of arms and ammunition, please do so to-morrow.

H. CONNER, *Sheriff*.

TOPEKA, April 6, 1878.

H. CONNER, *Sheriff, Emporia*: Have men on hand at 8 A. M. to-morrow. Train will bring what you need. Provoke no collision under any circumstances. Wait orders.

GEO. T. ANTHONY.

TOPEKA, April 6, 1878.

J. B. ZIEGLER, *Captain Montgomery Rifles, K. S. M., Independence*: Hold your company in readiness to move on six hours' notice, with fifty men, for duty.

GEO. T. ANTHONY.

TOPEKA, April 6, 1878.

SIR: Hold your company in readiness to move on two hours' notice. Inform me by wire, at once, the number of men you can collect. Would like your company to muster fifty men, if possible.

GEO. T. ANTHONY, *Governor*.

To Capt. J. C. Walkinshaw, 3d Ind. Co. V. Gds., K. S. M., Leavenworth.

[ Letter to Auditor Bonebrake.]

TOPEKA, April 6, 1878.

SIR: Referring to our conversation of this morning, in which you informed me that you had been solicited to join representative citizens of Topeka in a conference with the striking railroad engineers and the railroad company, with a view to the settlement and adjustment of existing difficulties, permit me to say that, as the case has been presented to me, I understand that these engineers not only refuse to operate trains, except passenger and mail trains, but by violence and with continuous threats, forbid their operation by others; that passenger trains have been delayed, and United States mails delayed, by the acts of these men.

I am further informed that this morning, at Emporia, these law-defying engineers have put out the fires, and drawn the water from the locomotives, and otherwise damaged and impaired the working force of the road. This in defiance of the local authorities here and there, after an effort has been made by both city and county authorities to suppress the wrong-doers.

I felt it my duty to the State, that its good name should be protected, and its law enforced; and accepting the failure of the local authorities to do it, as evidence of their inability to accomplish so desirable an end, had made arrangements to provide an adequate military force to protect life and property, and place the railroad company in a condition to redeem its obligations to the public, by a prompt shipment of property, and transport of passengers.

I am this moment informed, and since the above paragraph was written, that the westward-bound train from Kansas City, when about leaving there, was delayed by the engineer being driven from the engine, and that with some difficulty an engineer was found to take the train at Turkey Creek and bring it through to Topeka.

In view of these exciting facts, I respectfully submit to you the great delicacy of any conference, on the part of law-abiding citizens, with parties who are members of this conspiracy against the public peace. Your sheriff and the city marshal have failed to enforce the law, even, in fact, driven from their duty by force and intimidation. Citizens have failed to respond to their demand, made in answer to the law, for assistance. In this attitude of defiance any conference, that even expresses sympathy, must work an impairment of law to the public peril.

Presuming that the men with whom you are to confer are not of the above class, and profoundly desiring a peaceful and inexpensive adjustment of the trouble, without enforcement of the more rigid plan determined upon, I shall await the result of such conference, respectfully asking to be informed by you as promptly as possible of its results.

I am, sir, very respectfully,

GEO. T. ANTHONY, *Governor*.

Hon. P. I. Bonebrake, Auditor of State.

All efforts at adjustment in this conference proved of no avail, and all admitted that the situation was one of great peril. On the 7th, troops were ordered from Leavenworth and Independence, who reached here on the following morning (8th,) and took possession of the railroad station and shops.

On the morning of the 8th, proclamation was issued as follows:

GOVERNOR'S PROCLAMATION.

EXECUTIVE OFFICE, TOPEKA, KANSAS.

It having come to my knowledge that lawless men have confederated and conspired together to defy the law and imperil the public peace of the State of Kansas, and that such lawless men thus confederated and conspiring, have offended against the law and the peace of the State, by de-

laying the transit of passengers and United States mails over the Atchison, Topeka & Santa Fé Railroad, and by refusing to permit the movement of freight trains on said road, overpowering by threats and violence peaceable employés, and the civil officers of the State, who have attempted to protect them and preserve the peace:

Now, therefore, in order to aid the civil authorities, enforce the law, protect the peace and defend the honor of the State, and by authority vested in me as Commander-in-Chief of the Militia, I have called into service a military force, and commanded it to take possession of stations, track and rolling-stock of said Atchison, Topeka & Santa Fé Railroad, to the extent that may be necessary to protect and hold its operation free from unlawful interference by whomsoever such interference may be attempted; and notice is hereby given to all who have, or who may contemplate offending against the law in this respect to desist, and they are hereby commanded to desist from further acts of disobedience and violence, and to disperse, if assembled for such purpose, and go to their several homes and lawful employments.

Notice is also hereby given to all law-abiding citizens, that it is expected and required of them that they remain quietly at their several homes and places of business, and that they do not permit themselves, as individuals or in assemblies, to approach the depots of said railroad, except upon business, and by approaches pointed out by the military authorities in immediate command. The precaution is alike necessary for the public good and for the protection of life.

Done at Topeka, this 8th day of April, 1878.

GEO. T. ANTHONY, *Governor*.

Capt. Walkinshaw was ordered to Emporia, under instructions as follows:

TOPEKA, April 8, 1878.

SIR: You will proceed with your company, and a detachment of ten men and non-commissioned officer from Capt. Ziegler's company, to Emporia, by special train provided you. On arrival, you will report to H. Conner, Sheriff, who has a posse of men to coöperate with you, and whom you are hereby authorized and directed to muster into the State service, and take command of—with general instruction to protect the property of citizens, and see that trains are allowed to move in and out of Emporia unmolested, using all necessary means to accomplish that end.

I leave to your discretion all else. Keep me advised by wire of your movements, and the condition of affairs on arrival at Emporia.

GEO. T. ANTHONY, *Governor*.

To Capt. J. C. Walkinshaw, Commanding.

Sheriff Conner was advised by wire of the movements of Capt. Walkinshaw, at the time he with his command left Topeka, as follows:

TOPEKA, April 8, 1878.

H. CONNER, *Emporia Junction*: Capt. Walkinshaw's command of fifty State troops leave here at 8:25, and will arrive about 11:30. I send arms

by him, and authority to muster your men into State service. You will advise with and act under his orders. We have full control here with ample force of troops.

GEO. T. ANTHONY.

8:50 A. M.

In the afternoon of said day, the following telegram was received from T. N. Sedgwick and others:

EMPORIA, KANSAS, April 8, 1878.

GOV. GEO. T. ANTHONY: We have now in our midst a band of fifty armed men, who profess to come here under your orders, for the protection of the property of the Atchison, Topeka & Santa Fé Railroad. We simply consider this an insult to our civil officers and citizens. We have been and are still able and willing to protect all the property of the road and all the employés who are willing to work. We can't make men work; but there has not been a time since this strike commenced that it required more than six men to do all the police duty that was necessary. We hope that you will at once recall these troops, and we will take care of our own affairs; and if you do not, we will not answer for the consequences.

T. N. SEDGWICK, *County Attorney.*

H. CONNER, *Sheriff.*

J. S. WATSON, *Mayor.*

D. S. GILMORE, *Ch'n Board Co. Comm'rs.*

A. WARD, *County Commissioner.*

And was immediately answered, reciting correspondence had with Sheriff Conner, as follows:

TOPEKA, April 8, 1878.

Answering your telegram of this date, the following correspondence, had with one of its signers, will explain itself, and protect me from the charge of insulting you:

"SIR: Can you organize an adequate force of not less than fifty men, who will protect the property of the A. T. & S. F. R. R. Co., and see that no trains, passenger or freight, are molested while passing through your county? If you desire authority beyond that in the statutes, I will see them mustered in under your command as militia of the State; and all expenses incurred for service and subsistence shall be paid. Answer promptly.

(Signed) GEO. T. ANTHONY.

"To Sheriff Conner, Emporia, Lyon county, Kansas."

"EMPORIA, April 6, 1878.

GEO. T. ANTHONY: I think I can get fifty good men. Will try to have twenty armed men on duty in the morning, and more just as fast as arms can be procured. I shall swear them in as deputies, but wish, under authority you have given, to consider them militia. If you can send twenty-five stand of arms and ammunition, please do so tomorrow.

(Signed) H. CONNER, *Sheriff.*"

Arms were sent by Capt. Walkinshaw, who was authorized to muster Sheriff Conner and his posse *as he had requested*, making them part of the militia force of the State. I hope that this coöperation *solicited* by your sheriff will be carried out.

State force was called into requisition because local authorities had failed to protect the operation of the road, and cannot be withdrawn until



freight and passenger trains are allowed to run unmolested over the entire line of the road.

I sent troops supposing you needed them. Hope you can do as you say, and have ordered Capt. Walkinshaw to withhold all *interference until you fail*.

GEO. T. ANTHONY, *Governor*.

T. N. Sedgwick and others, Emporia.

Here follows the order to Capt. Walkinshaw, referred to above, to withhold interference:

EMPORIA, 4—8—'78.

GOV. GEO. T. ANTHONY: The sheriff says he does not want the arms, and that he has sufficient force to send out all trains. The citizens and sheriff guarantee safety to all employes and property. What shall we do with the arms, &c.?

J. C. WALKINSHAW, *Capt.*

TOPEKA, April 8, 1878.

CAPT. J. C. WALKINSHAW, *Emporia, Kansas*: I am assured by local authorities of Lyon county that they are able and willing to force compliance with law, protect property, and secure unmolested passage of all trains on the A. T. & S. F. R. R. You will withhold all interference, and await orders. Keep possession of your train.

GEO. T. ANTHONY, *Governor*.

Thereupon a second dispatch was received from County Attorney T. N. Sedgwick and Mayor Watson, questioning the legality of the act of sending armed men to quell disturbance, as follows:

EMPORIA, April 8, 1878.

To Gov. ANTHONY: We insist again to state that in sending those armed men to our city you have acted without warrant of law, and that our citizens and peace officers feel justly indignant. Our sheriff is amply able to quell any disturbance that is likely to arise. We therefore beg of you, in the name of peace and good order, to recall your armed men.

T. N. SEDGWICK, *County Attorney*.

J. S. WATSON, *Mayor*.

To which the following answer was sent:

TOPEKA, April 8, 1878.

T. N. SEDGWICK, *Emporia, Kansas*: Your second demand for withdrawal of troops received. I am responsible to the law for my action. Troops will in no manner interfere with your local authorities, nor attempt the enforcement of law, unless you continue to fail in so doing. They will not be withdrawn until the possibility of their need at any point is past.

GEO. T. ANTHONY, *Governor*.

The following dispatch was sent to Superintendent Morse by Sheriff Conner and others:

DEPOT, TOPEKA, 8th, 1878.

GOV. ANTHONY: Please note attached message from officials at Emporia.

C. F. MORSE.



"EMPORIA, 8, 1878.

"C. F. MORSE: We understand the Governor, by your request, has sent fifty armed men here to protect your property and men. We consider this an insult to our civil officers and citizens, and entirely unwarranted and without precedent or warrant. Our civil officers are amply able and willing to protect your property and employés. There have been no riots or disturbances of any kind, and if any such disturbance should occur, we are abundantly able to take care of it. These troops must be recalled from here at once. If they are not, we will not answer for the consequences.

"H. CONNER, *Sheriff*.

"T. N. SEDGWICK, *County Attorney*.

"D. S. GILMORE, *Ch'n Co. Board Commissioners*."

On the evening of the 8th, the following order was issued to Capt. Wheeler, in charge of the depot and shops at Topeka:

STATE HOUSE, April 8, 1878.

CAPT. WHEELER, *Topeka*: Keep all your men, and make arrangement to have every man for duty at a moment's notice, through the night. Have good picket line out, and exact absolute vigilance. More danger to-night than ever again.

GEO. T. ANTHONY.

On the morning of the 9th, the following dispatches relative to the situation were received from the depot in Topeka, and from Emporia:

DEPOT, April 9, 1878.

Everything looks well this morning. I think the strikers have thrown up the sponge, and will all scatter, looking for work, to-day or to-morrow. They are now calling for their pay, and seem entirely subdued.

I have these reports from my man, who has been with them.

C. F. M.

EMPORIA, April 9, 1878.

Everything quiet during the night. Stood guard at pump-house, round-house and depot during the night. Just going to breakfast.

J. C. WALKINSHAW, *Captain*.

And later in the morning, the following mention of a painful accident:

EMPORIA, April 9, 1878.

GOV. GEO. T. ANTHONY: A citizen, named Shannon, a minister, has just been accidentally shot in one of our coaches.

WALKINSHAW.

TOPEKA, April 9, 1878.

CAPT. WALKINSHAW, *Emporia, Kansas*: Do not allow any complication or collision to arise from excitement. Better run your train back out of county than have trouble from this cause.

GEO. T. ANTHONY.

EMPORIA, April 9, 1878.

GOV. ANTHONY: One of your militia just accidentally killed Rev. O. J. Shannon, Pastor of Congregational Church. Tremendous excitement. No possible use of troops here, and I advise you to immediately withdraw them.

JACOB STOTLER.

TOPEKA, April 9, 1878.

JACOB STOTLER, *Emporia, Kansas*: Regret the painful accident. Capt. Walkinshaw had been ordered to withdraw his men.

GEO. T. ANTHONY.

DEPOT, April 9, 1878.

GOV. ANTHONY: The following just received from our man in charge at Emporia.

C. F. MORSE.

"Mr. Shannon was sitting in middle coach, talking with soldiers. A man in rear end of coach, carelessly handling his gun went off. I had not better leave here to-day.

"L. WORTON, JR."

DEPOT, April 9, 1878.

GOV. ANTHONY: I have taken responsibility of moving Capt. Walkinshaw's company to Reading.

C. F. MORSE.

C. F. MORSE: Your direction to run troops out of Lyon county, approved. Had given this direction to Capt. Walkinshaw immediately on hearing of the accident.

GEO. T. ANTHONY.

## EXHIBIT B.

### REPORT OF PARDONS GRANTED.

JOHN HAMILTON—*Grand Larceny*—Leavenworth County.—Convicted Dec. 21, 1874; sentence, five years; pardoned Jan. 26, 1877. The value of the property taken was barely \$20. Possession of the stolen property was relied on as only proof of unlawful taking. He has always asserted his innocence. Warden inclined to believe his statements. Has served two years creditably. Pardon recommended by Judge, County Attorney, and nine jurors—three absent from the county.

W. H. BOYD—*Grand Larceny*—Mitchell County.—Convicted Aug. 12, 1874; sentence, five years; pardoned Feb. 14, 1877. Has served half his term. Sick much of the time. In the opinion of the physician, not likely to recover while in confinement. Value of property taken, \$25.

W. J. BURNS—*Grand Larceny*—Chase County.—Convicted May, 1875; sentence, three years; pardoned March 3, 1877. Pardon urged by the Judge, County Attorney, and all the jury. Extenuating circumstances discovered since trial. County attorney wishes his testimony in the prosecution of other offenders.

G. W. ROBINSON—*Grand Larceny*—Wyandotte County.—Convicted September, 1874; sentence, four years; pardoned March 27, 1877. Indelicate health; has had several hemorrhages of the lungs, becoming more frequent, and, in the opinion of the physician, argue fatality.

JEREMIAH McCARTY—*Grand Larceny*—Doniphan County.—Convicted September, 1875; sentence, four years; pardoned April 7, 1877. The Judge, County Attorney, ten jurors, and a large number of citizens ask his pardon on the ground that grave doubts exist of his guilt. The Warden and Physician of the prison are of the opinion that the accused is insane.

I. J. STINE—*Burglary*—Leavenworth County.—Convicted December, 1875; sentence, one and one-half years; pardoned April 18, 1877. Pardon urged by the Judge, County Attorney, and a large body of his neighbors, on the ground that he stole food to keep his family of eight children from starving. Granted for reasons urged, and that his term has nearly expired.

J. J. HARLAN—*Rape*—Marion County.—Convicted April, 1873; sentence, seven years; pardoned April 26, 1877. The County Attorney says that it was the general remark at the trial that the evidence was not legally sufficient; that his conviction was owing in a great degree to the admission by his attorney, on the trial, that he was a desperate character; the sole witness against him was a young girl, who he has since learned, had a bad character for chastity. Judge thinks his conviction owing to said admission, and states that the severity of his sentence was owing to that admission. Seven jurors join in the application.

JACKSON BOOKER—*Rape*—Wyandotte County.—Convicted March, 1873; sentence, ten years; pardoned May 17, 1877. Pardon urged by Judge, County Attorney, and many citizens, showing grave doubt of his guilt; which opinion is based on recent investigation. They think him convicted on *false* testimony.

MARTIN OSTRANDER—*Grand Larceny*—Sedgwick County.—Convicted September, 1873; sentence, five years; pardoned June 5, 1877. Certificate of the Warden, and also of the Prison Physician, show the mental condition of the prisoner seriously impaired; that he now exhibits all the symptoms of moral insanity, and that longer confinement will result in confirmed mania.

ELI HINTON—*Petit Larceny*—Washington County.—Convicted April, 1877; sentence, ninety days in county jail; pardoned June 15, 1877. Evidence, brought to light since his conviction, establishes his innocence. Eight jurors and many neighbors ask his release. He is fifty-two years of age. Has heart disease. Has borne an excellent character.

JOHN MCPHERSON—*Grand Larceny*—Montgomery County.—Convicted September, 1875; sentence, five years; pardoned June 26, 1877. Pardon urged by county officers, ministers of the gospel, ten jurors, County Attorney, three hundred citizens, with a favoring letter from the Judge. The gravamen of the application is, that he was convicted *solely* on circumstantial testimony of such a character as to entitle him to clemency. From a statement of the testimony and facts, concurred in by the attorneys of the State and of the defense, which accords with the minutes kept by the prosecuting attorney, the application would seem well founded.

JOHN R. EWELL—*Assault with Intent to Kill*—Johnson County.—Convicted March term, 1877; sentence, three years; pardoned Aug. 13, 1877. Urged by 290 citizens and neighbors, that he was convicted by false testimony of the prosecuting witness. Seven jurors say their verdict was based on the supposed truth of the prosecuting witness's statement. It is now

claimed that the prosecuting witness and one Dr. W. conspired to convict Ewell, to get rid of his testimony in an action against them for procuring an abortion on the wife of the prosecuting witness. Considering the shown character and unreliability of the testimony of said prosecuting witness, in connection with the hitherto good character as a peaceable and law-abiding citizen of the accused, pardon was granted.

E. G. HEGWAR—*Manslaughter, Third Degree*—Chase County.—Convicted March, 1877; sentence, sixteen months; pardoned August 15, 1877, on the ground of impaired health, certified to by the Warden and Physician, which will soon be likely to result in death, unless his situation is changed.

W. P. OWENS—*Grand Larceny*—Montgomery County.—Convicted March, 1877; sentence, two years; pardoned August 23, 1877, on the ground that the accused was not the guilty party; that he purchased the property in question in good faith, and with no criminal intent, as shown by the statement of the Judge, County Attorney, Sheriff, and many citizens, in connection with affidavits produced showing that a wrong had been done the accused.

GEORGE SILVERS—*Grand Larceny*—Douglas County.—Convicted Jan. 25, 1875; sentence, six years; pardoned Aug. 30, 1877. He was not the principal, but was led into the larceny by another, who escaped. The punishment already received sufficient; such being the opinion of the examining magistrate, of the two attorneys who prosecuted for the State, of the county officers, and the Judge who gave the sentence, and of many citizens.

EDWARD NORTON—*Assault and Battery*—Leavenworth County.—Convicted Sept. 22, 1875; sentence, twelve months; pardoned Sept. 12, 1877. A young colored man of general good habits and character. Has a wife and two children dependent, whom he can support. His punishment being merely nominal in the jail, he having the range of the vicinity. Said pardon being urged by the Judge, County Attorney, county officers, Mayor, and citizens.

EDWARD WOOLHEATER—*Burglary and Larceny*—Marion County.—Convicted Sept. 21, 1875; sentence, five years; pardoned Dec. 4, 1877. This was the case of a young man breaking into a depot building and taking a box of cigars. He plead guilty. Has served faithfully two and one-half years. Punishment received deemed sufficient. Concurred in by the Judge who sentenced him, and who could not, under the law, make his term shorter than he did.

SAMUEL S. TAYLOR—*Grand Larceny*—Leavenworth County.—Convicted March, 1876; sentence, four and one-half years; pardoned December 4, 1877. The offender was weak-minded. Made a tool of by others while intoxicated. Has served faithfully over two years in prison, where he has behaved well. His services needed by a mother made dependent by the recent death of an elder son. Urged by Judge, County Attorney, and forty-five others.



ISAAC YOUNG—*Grand Larceny*—Montgomery County.—Convicted Dec. 15, 1876; sentence, three years; pardoned Dec. 18, 1877, on the condition that he henceforth refrain from the use of intoxicating drinks. It was his first offense, committed while intoxicated, led on by others. Judge thinks he was in a debauch at the time, and that having become sober, he was in the act of returning the horse, when arrested.

WILLIAM GARNER—*Burglary and Larceny*—Lincoln County.—Convicted April 16, 1875; sentence, six years; pardoned Dec. 18, 1877. The property taken in this case was of the value of \$25—in the grasshopper year. The Judge says the evidence showed great destitution in his family, and the property consisted of food and clothing of the "relief goods," which were not promptly distributed. Punishment received deemed ample. Judge and County Attorney urge his release.

MICHAEL AMEY—*Assault with Intent to Commit Rape*—Anderson County.—Convicted March 16, 1876; sentence, five years; pardoned Dec. 19, 1877. Urged by the County Attorney, by many citizens, and by the entire jury, who think the sentence too severe for the case made. The County Attorney says that the evidence was weak and meager, and that the verdict resulted largely from prejudice and from rumor not properly in evidence. Considering the doubtful character of the evidence, the prejudice, the rumor not properly admitted, and that the jury think the sentence too severe, pardon was granted.

PERRY STEADMAN—*Forgery*—Miami County.—Convicted at May term, 1877; sentence, two years; pardoned Dec. 20, 1877. This prisoner was barely sixteen—plead guilty—amount involved about \$20. Judge and County Attorney, in behalf of erring youth, recommend his pardon. One hundred and sixty-five citizens of Johnson and Miami counties think he was not aware of the nature of his act; that it was wanting in criminal intent, and that they can effect more than the State in his reform. Considering his youth, his confession, his good conduct in prison, the opinions of the Judge and Prosecuting Attorney as to the sufficiency of his punishment, together with the assurances of his friends, pardon was granted.

C. S. JACKMAN—*Grand Larceny*—Ottawa County.—Convicted May 11, 1876; sentence, four years; pardoned Dec. 31, 1877. Prisoner 21. First offense. Of hitherto excellent character, enjoying the confidence and esteem of his neighbors. Plead guilty. County Attorney says his sentence is severe, longer than usual for a like offense in that district in cases where there was a trial. Petition signed by eighty, including county officers, State Senators, etc. Considering his hitherto good character, his prompt confession, his faithful service for over a year and a half, and that his parents are aged and need his services, pardon was granted.

JAMES T. WRIGHT—*Perjury*—Neosho County.—Convicted Dec. 8, 1877; sentence, one year; pardoned Feb. 4, 1878. The alleged perjury relates to partnership matters, of long standing, of immense amount, and where no books were kept. The prosecuting attorney, nine of the jurymen, petitions



from his former home and from his present abode, numerous signed, represent him a man of fifty years, irreproachable in conduct, even above suspicion in all his business; ask his release. Considering the peculiar circumstances of the case, the nature of the business concerning which the testimony was given, the liability to mistake, and the universal sentiment of those conversant with the facts of the case, who urge clemency, pardon was granted.

ALONZO DUFFIELD—*Robbery, First Degree*—Douglas County.—Convicted Oct. 12, 1875; sentence, twelve years; pardoned Feb. 5, 1878. Convicted on sole testimony of a low, dishonest colored man. Prisoner was of industrious habits, and had led an irreproachable life to the age of 17. Judge and County Attorney say he was jointly charged with one J., who was *equally* guilty and allowed to plead guilty and receive a sentence of five years for larceny, and was pardoned by predecessor. Considering his youth, the nature of the testimony against him, his good conduct in prison, the fact that his associate, equally guilty, was sentenced for five years for the offense of larceny, pardon was granted at the recommendation of the Judge, County Attorney, Sheriff, and other reputable citizens.

REESE CRAVENS—*Burglary, Second Degree, and Larceny*—Douglas County.—Convicted January 25, 1875; sentence, five years; pardoned Feb. 26, 1878. The prisoner broke into a dwelling and took a shirt valued at \$2. The examining magistrate, who heard the testimony, thinks burglary not intended, only to get the shirt. Judge and County Attorney say that he plead guilty, and only for the technical burglary the offense would have been petit larceny. They join in the request for his release.

E. R. CUTLER—*Defiling a Female under Eighteen*—Chautauqua County.—Convicted October, 1877; sentence, six years; pardoned April 27, 1878. In this case trial was pressed without due preparation by the defense. County Attorney and citizens seemed surprised at the verdict on the testimony. Evidence developed since the trial, and not at that time known, shows the prosecuting witness to have been of previous loose character. The application was indorsed by Judge, County Attorney, 8 jurors, 12 county officers, 206 women and 705 men.

ORVILLE N. KELLOGG—*Assault with Intent to Kill*—Cherokee County.—Convicted Feb. 13, 1877; sentence, two years; pardoned March 29, 1878. The prisoner was under the influence of liquor; without malice. His release asked by 230, embracing county officers, editors, clergymen, Senators, Representatives, Sunday-school teachers, and others. Considering that the act was committed while intoxicated, that he had served a year, and the general desire of his neighbors for his release, pardon was granted.

JOHN H. GWIN—*Grand Larceny*—Montgomery County.—Convicted at December term, 1874; sentence, four years; pardoned April 25, 1878. The property stolen was billiard balls, valued at \$25. Prisoner has served over three years. Pardon granted on recommendation of the Judge.

ENOS R. DAVIS—*Obtaining Money under False Pretenses*—Lyon County.—Convicted March 31, 1877; sentence, two years; pardoned May 13, 1878. He was regarded a reputable and industrious young man, without bad habits. His mind thought to be somewhat impaired. Considering his faithful service for over a year, granted, on request of two hundred and fifty citizens of Lyon county.

THOMAS Y. JONES—*Assault with Intent to Kill*—Leavenworth County.—Convicted June 29, 1874; sentence, ten years; pardoned April 9, 1878. Prisoner old, infirm, health in a precarious condition, of no service to the State. His wife and children in Canada, where they desire him to go. Granted on condition that he "immediately leave the State and remain without its bounds."

HENRY BELLEW—*Grand Larceny*—Leavenworth County.—Convicted December, 1877; sentence, two years; pardoned May 13, 1878. It is claimed that the prisoner in this case was not guilty of the theft. That he recaptured the stolen property, and while in a state of intoxication said and did things which led to his prosecution and conviction. Granted at the instance of the Judge and County Attorney.

BUD VANNOY—*Burglary, Third Degree*—Atchison County.—Convicted June 11, 1877; sentence, one year; pardoned March 23, 1878. Aged 17. Broke into an office; stole a small amount of money; plead guilty. Considering his youth, his confession, good conduct, and term of over eight months, the sudden death of his father which leaves his mother dependent, granted, at request of his mother, the Judge and County Attorney.

C. F. LOOMIS—*Grand Larceny*—Lyon County.—Convicted Sept. 11, 1874; sentence, five years; pardoned April 23, 1878. Prisoner has served three and one-half years. Release asked by petition from citizens of Chase and Lyon counties, by six jurors, by the Judge, County Attorney, and others. Considering the length of service rendered, his good conduct in prison, the generally-expressed wish for his pardon by county officers, Judge, County Attorney, and prominent citizens of both Chase and Lyon counties, granted.

EDWARD FITZGERALD—*Assault with Intent to Rape*—Wyandotte County.—Convicted Dec. 13, 1877; sentence, two years; pardoned May 31, 1878. It is represented that the conviction was wrong, obtained on false testimony, such being the opinion of the County Attorney, Sheriff, Clerk, Judge, and some of the jury. Granted for the reasons urged.

HENRY JENNINGS—*Burglary and Larceny*—Douglas County.—Convicted Feb. 23, 1878; sentence, four months in county jail; pardoned April 26, 1878. Only thirteen years of age. Led into crime by bad associations. Considering his youth, punishment already received, and the fact that his associates in jail with whom he is necessarily thrown are likely still more to demoralize him, granted, at the instance of many citizens of Lawrence.

ROBERT WHITE (colored)—*Rape*—Douglas County.—Convicted Oct. 16, 1876; sentence, twelve years; pardoned July 2, 1878. Notwithstanding

the verdict, one hundred and forty citizens of Douglas represent that great doubt exists as to his guilt; that he was industrious, peaceable and of good character, and for many years noted for his inoffensiveness. The Judge and prosecuting attorney both approve his pardon. Granted.

SHERMAN B. LUM—*Manslaughter, Fourth Degree*—Jewell County.—Convicted April, 1878; sentence, six months, county jail; pardoned Aug. 5, 1878. Fatality by administering chloroform. Claimed that his conviction was wrong. A physician of twenty-five years standing says his treatment was humane, same surgeons generally adopt. Granted, at request, in pursuance of petitions numerously signed by citizens of Jewell, Republic and Cloud counties.

WM. DEFOREST MILLER—*Burglary*—Labette County.—Convicted November, 1877; sentence, eighteen months; pardoned Sept. 12, 1878. The property taken was school books, from a school house. The prisoner was not fifteen, and had up to that time borne a good character. Pardoned, on satisfactory evidence that he was under sixteen years of age.

DANIEL R. CLAIBOURNE—*Grand Larceny*—Coffey County.—Convicted June, 1875; sentence, seven years; pardoned Sept. 10, 1878. Evidence discovered since the trial, led to the belief that, if connected with the theft, it was only in a remote degree. Was always a good citizen. Has demeaned himself well in prison. Hurt his right hand by accident while in the service of the State. Considering the peculiar circumstances of this case, punishment already received deemed sufficient.

JAMES THOMAS DAVIS—*Grand Larceny*, sentence, two years; *Escaping Jail*, sentence, one year; *Robbery*, ten years—Douglas County.—Convicted October, 1874; pardoned Sept. 13, 1878. Has served out first two sentences. Health seriously impaired. Previous character good. In his escape took no part further than to follow out the others. In going took with him a revolver belonging to the jailer. The jailer says he did not plan the escape. His conduct in prison was good. Pardoned, on recommendation of the jailer, Sheriff, and one hundred and thirty signers of petition.

OSCAR SPURGEON—*Grand Larceny*—Coffey County.—Convicted Aug. 19, 1876; sentence, five years; pardoned Dec. 4, 1878. Pardon is urged on the ground that the party has been sufficiently punished. The Judge says, at the time of his sentence, he thought an example should be made. He now asks that he be pardoned. He has conducted himself well in prison. Granted, at the instance of many petitioners, for reasons urged.

WILLIAM T. MATHEWS—*Grand Larceny*—Douglas County.—Convicted Oct. 5, 1877; sentence, four years; pardoned Nov. 22, 1878. He plead guilty to two separate charges of grand larceny, for which he was sentenced to three and four years respectively; has served out the first, and is now serving on his second sentence. He is represented to be a young man of good parentage, has conducted himself well in prison, and it is thought

has been sufficiently punished. Has a mother poor and dependent. Pardoned for the reasons urged.

JASPER BURNHAM AND OLIVER BURNHAM—*Grand Larceny*—Lyon County.—Convicted Oct. 1, 1875; pardoned Nov. 18, 1878. Pardon urged by petitions numerously signed by citizens of Lyon county, who represent that there were many mitigating circumstances in their case, and think they have been sufficiently punished, and that no good will result from their longer confinement; that their mother is old, feeble, and dependent on others for support. Judge concurs, and remarks that he is not now sending for so long a term, for the same offense, and he thinks the people desire a pardon in their case. Granted for reasons urged.

ALONZO HICKS—*Grand Larceny*—Chase County.—Convicted July 9, 1878; sentence, one year; pardoned Nov. 22, 1878. Fifty citizens of Chase county represent the prisoner as under age; that until this affair he has always acted upright and honest, and they think that a manifestation of clemency in his case would act as a stimulant to future good conduct. Granted.

FRANK GATEWOOD—*Assault with Intent to Kill*—Lyon County.—Convicted Sept. 5, 1878; sentence, six months in county jail; pardoned Dec. 2, 1878. Prisoner confined in an underground cell, damp and unhealthy, since May 17. Has suffered rheumatism, and, to some extent, lung disease. Pardoned on recommendation of County Attorney and other county officers and citizens.

JEHIDA WILLIAMS—*Grand Larceny*—Lyon County.—Convicted September, 1876; sentence, three years; pardoned Dec. 11, 1878. Suffering from consumption; will soon die unless released. Granted on certificate of Prison Physician, which corroborates this.

MORRIS H. WARNER—*Grand Larceny*—Bourbon County.—Convicted January, 1877; sentence, five years; pardoned Dec. 11, 1878. Has served two years. Conducted himself well in prison. Was an excellent soldier for three years—never shrank from duty. His friends say he is honest. Prosecuting attorney thinks his term too long. Has a large family, wife and small children. Granted, at the request of one hundred and fifty citizens, who think his guilt was in doubt.

JOHN W. SMITH, *alias* JOHN THORP—*Burglary and Grand Larceny*—Jefferson County.—Convicted June 13, 1878; sentence, six years; pardoned Jan. 6, 1879. The prisoner in this case was under fifteen years. His mother resides in Missouri, and is in indigent circumstances. He being the eldest of five children, and was of irreproachable character when he left his home in October, 1877.

GEORGE LEGERE—*Assault with Intent to Kill*—Douglas County.—Convicted February, 1878; pardoned Jan. 7, 1879. This offense was committed in a drunken debauch, by a peaceable, good-natured, industrious man. No injury done. Has a wife and small children destitute. Pardon urged by jury, witnesses, neighbors, Sheriff, County Attorney, and others.



N. S. BRAND—*Manslaughter, Fourth Degree*—Bourbon County.—Convicted Sept. 28, 1878; sentence, one year; pardoned Jan. 8, 1879. Accused was watchman at Fort Scott depot. Safe in depot had \$20,000, to be paid to employés on the following day. Deceased, in the night, was ordered away from the yard three times, and while being arrested was shot. Pardoned at the instance of many citizens and of the County Attorney, who was of the opinion he ought to have been acquitted.

LEWIS HOPKINS—*Burglary*—Leavenworth County.—Convicted Aug. 5, 1872; sentence, ten years; pardoned Jan. 8, 1879. Pardoned at the request of petition, and the Judge who sentenced, on the ground that he has been sufficiently punished, and would have been sentenced for a shorter term had the law relating to burglary admitted of a shorter sentence.

### EXHIBIT C.

#### REPORT OF COMMUTATIONS.

JOHN H. NEIGHBORS—*Assault with Intent to Kill*—Linn County.—Convicted July 14, 1876; sentence, two and one-half years. This offense was committed under the influence of liquor. The prisoner when sober was an orderly, industrious and peaceable man. His pardon is asked by petitions numerous signed by his neighbors and by the person assaulted.

Commutated to one and one-half years, June 27, 1877.

JOHN W. BAGBY—*Manslaughter, First Degree*—Crawford County.—Sentence, seventeen years; sentenced January, 1875. Pardon in this case is asked by five hundred citizens, accompanied with the statement of the facts and evidence adduced on the trial, which it is claimed show it a case of justifiable or excusable homicide. Most of the jurors, the County Attorney, county officers, and members of the Legislature, join, and claim that the sentence was excessive.

Commutated to five years, July 12, 1877.

S. M. McDANIELS—*Grand Larceny*—Leavenworth County.—Sentenced Dec. 6, 1873—five years. Prisoner in the last stage of consumption. His family and friends, worthy and reputable, would have him die at home, and thus avoid the odium which would seem to attach to a prison death.

Commutated to three years seven months, July 26, 1877.

JOHN E. CROSSLEY—*Burglary, Second Degree*, five years; *Grand Larceny*, two years.—Douglas County.—Sentenced June 6, 1877. Pardon is sought by parents, the Sheriff, and many reputable citizens, on the ground of the youth of the offender, his frank confession, plea of guilty, his hitherto good character, the probable bad effect of too long association with hardened criminals.

Commutation to three years for the burglary, and pardon for the larceny, August 11, 1877.

WILLIAM G. WALLACE—*Assault with Intent to Rape*—Johnson County.—March term, 1877; sentence, five years. Health impaired. Permanent injury received in prison, which cripples him for life. Four years service



in the Union army. Three years in the regular army; honorably discharged. At request of court, bar, medical men and citizens, who represent that there exist grave doubts of his guilt.

Commutation to seven months, October 19, 1877.

HEZEKIAH WIEST—*Maiming*—Franklin County.—Convicted Sept. 28, 1877; sentence, five years. Commutation urged by 115 citizens, on the ground that the act was a misadventure rather than designedly done; by court officers and county officers, on the ground that the punishment was too severe. Judge says that had he possessed the discretion he would not have imposed to exceed one year.

Committed to one year, December 19, 1877.

WILLIAM J. PHILIPOTT—*Embezzlement*—Bourbon County.—Sentence, two and one-half years; convicted May 26, 1876. Suffered from pneumonia, and recently from chills and fever. His term will expire in July next. On recommendation of the Warden and Chaplain.

Committed to two years, January 17, 1878.

JOHN W. MANHALL—*Burglary, Second Degree*—Johnson County.—Convicted August 11, 1871; sentence, ten years. Several hemorrhages of the lungs. General breaking-down of the system. Doubtful if he can survive his term.

Committed at instance of Physician and Warden to eight years, January 19, 1878.

JOHN VENIBLES—*Burglary, Second Degree*—Johnson County.—Convicted August 11, 1871; sentence, ten years. Prisoner suffers from acute articular rheumatism, which permanently affects his joints, causing enlargement and distortion; also severe valvular difficulty.

Committed at instance of Physician and Warden to eight years.

JAMES KNOX—*Grand Larceny*—Lyon County.—Convicted Sept. 9, 1873. Failing health. Can't recover while in prison. At request of Physician, Warden and Chaplain.

Committed to six years, May 14, 1875.

PHILIP W. WATTS—*Grand Larceny*—Leavenworth County.—Convicted March, 1876; sentence, five years. At the request of Judge, County Attorney, six jurors and many citizens.

Committed to three and one-half years, July 8, 1878.

GEORGE GILLETTE—*Attempt to Rob*—Atchison County.—Convicted June 11, 1877; sentence, three years. Pardon urged by the Judge and 44 prominent citizens of Atchison county, on the ground that the evidence was entirely circumstantial, and that Hackett, upon whom it was alleged the offense was committed, did not appear at the trial nor pretend to have been robbed.

Committed to one and one-half years, August 13, 1878.

E. E. IVES—*Grand Larceny*—Harvey County.—Convicted Oct. 2, 1877; sentence, two years. Was confined a long time before trial. An intelligent lad of nineteen. Pardon urged by two hundred. Conduct in prison good. Commuted to eighteen months, Sept. 14, 1878.

RICHARD JOHNSON AND GEORGE SMITH—*Grand Larceny*—Washington County.—Convicted May 29, 1877; sentence, three years each. Property taken, seventeen bushels of wheat; valued ordinarily, would make the offense petit larceny. Judge and County Attorney think this a case for executive clemency. County officers and citizens concur.

Sentence commuted in each case to one and one-half years, March 25, 1878.

JOHN SPARKS HAMILTON—*Grand Larceny*—Butler County.—Convicted Sept. 28, 1876; sentence, three years from expiration of former sentence of three years. Commuted to one year. Prisoner in this case plead guilty. *Non compos mentis*. Punishment thought excessive.

Mr. Riggs moved a reconsideration of the vote by which the message from the Governor was ordered printed.

The motion prevailed.

Mr. Smith, of Marshall, moved that the message be laid on the table.

Mr. Biddle moved as an amendment to the amendment, that it be referred to the Committee on State Affairs, and that the Sergeant-at-Arms be instructed to distribute the printed copies.

Mr. Smith, of Marshall, withdrew his amendment. Thereupon Mr. Biddle's amendment was adopted, and it was referred to the Committee on State Affairs.

#### COMMUNICATION FROM AUDITOR.

TOPEKA, KANSAS, February 4, 1879.

*Hon. Sidney Clarke, Speaker House of Representatives*—SIR: I have the honor to transmit herewith vouchers for services rendered in the maintenance of destitute insane persons, conveying prisoners to the Penitentiary, costs in criminal cases in unorganized counties, and vouchers for other services for which there is no appropriation made. To enable the State to pay for these several services, a special appropriation must be made.

I have the honor to be,

Very respectfully, your obedient servant,

P. I. BONEBRAKE,

*Auditor of State.*

By consent, the report was referred to the Committee on Ways and Means.

House concurrent resolution No. 13, providing for printing the report of the State Historical Society, was taken up and adopted.

Senate concurrent resolution No. 14, amending joint rule No. 18, was taken up and concurred in.

Mr. Sallee moved that House bill No. 172, An act to enable municipal corporations, the boards of education of any city and school districts, to re-fund their indebtedness, be printed.

The motion prevailed.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Biddle offered the following resolution:

*Whereas*, It is alleged that during the year 1878, a band of Cheyenne Indians passed leisurely from the south to the north line of the State, committing murder and other outrages, and burning and destroying property of the citizens of Kansas; and that no action was taken by the Executive or other authorities of the State to prevent these outrages and punish the guilty: therefore, be it

*Resolved*, That the Committee on State Affairs inquire into the matters referred to in the preamble herein, and report fully upon the said Indian raid and outrages, and what, if any measures were taken by the Governor and others in authority to prevent said raid and outrages, and to punish the guilty Indians; to report the facts in full, and such recommendations as they may deem best to prevent a repetition of such raids and outrages.

*Resolved, further*, That for the purpose herein specified, the said committee have power to send for persons and papers and to administer oaths.

Laid over under the rules.

Mr. White offered House concurrent resolution No. 24, asking Congress to devote the United States military reservation, known as Fort Riley, to the State of Kansas, for the purpose of erecting State Capitol buildings.

Laid over under the rules.

Mr. Calvin offered the following resolution:

*Resolved*, That the Committee on Temperance be authorized to employ a clerk.

The question being upon the adoption of the resolution, the resolution was not adopted.

Mr. Leonard offered House concurrent resolution No. 25, memorializing Congress to make the office of Commissioner of Agriculture a Cabinet position.

Laid over under the rules.

Mr. Clogston offered the following resolution:

*Resolved*, That by request of the Committee on Criminal Jurisprudence, the Speaker be and is hereby authorized to appoint a clerk for that committee.

Mr. Legate asked consent to introduce a substitute, providing that the revised laws, or the work of the commissioners to revise the laws, be indefinitely postponed.

To this objections were made, and the question recurring on the motion to adopt the resolution, the motion prevailed.

Mr. Legate moved that the committee on revision of laws, and the Committee on Criminal Jurisprudence, be discharged from any further consideration of any report that may have been or may be made by the committee appointed to revise the laws.

Laid over under the rules.

Mr. Waite, of Pawnee, offered House joint resolution No. 4, providing for a constitutional convention.

Read the first time.

Mr. McClintick offered House concurrent resolution No. 26, providing for the appointment of a committee to report upon the earnings and expenditures of Kansas railroads.

Laid over under the rules.

House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage-law of Congress, and for the repeal of the national banking law, was taken up.

Mr. Smith, of Marshall, moved that it be made the special order for Monday next, at 2 o'clock P. M.

Mr. Wait, of Lincoln, moved that it be made the special order for Monday, at 7 o'clock P. M.

By consent, both motions were withdrawn.

The question being on the motion to adopt the resolution, Mr. Biddle moved that the further consideration of the resolution be postponed until Wednesday next, at 3 o'clock P. M.

Mr. Clark, of Montgomery, moved to strike out "3 o'clock"

and insert "7 o'clock," upon which the yeas and nays were demanded.

The roll was called, with the following result: Yeas, 65; nays, 52; not voting, 12.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Barber, Biddle, Bishop, Bissell, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eckles, Eggers, Faulkner, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Harts-horne, Helmick, Hodge, Hossack, Humes, James of Shawnee, Keller, Kennedy, Kollock, Lawson, Loy, Manning, McCrumb, McKay, Moore, Prunty, Randolph, Raybell, Richards, Shaw, Smith of Marshall, Stitt, Stumbaugh, Taylor, Tucker, Wait of Lincoln, Waite of Pawnee, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Ballard, Barrackman, Beaty, Berry, Bevins, Blackman, Blanchard, Brinkman, Butts, Clapp, Donahue, Eastland, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Hamilton of Marshall, Hankins, Henderson, Huffaker, Hutchison, James of Wyandotte, Kelly, Leonard, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClin-tick, McMillen, Miller, Morgan, Myers, Parsons, Rath, Riggs, Rood, Sallee, Scott, Seaton, Spilman, Stewart, Tallman, Towle, Wait of Linn, Walker, Watson, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Farris, Fisler, Games, Hewins, Legate, Price, Rice, Robb, Selover, and Smith of Bourbon.

And so the amendment of Mr. Clarke prevailed.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By consent, Mr. Miller introduced House bill No. 196, An act to authorize and empower the county of Leavenworth to take up and re-fund its railroad bonded indebtedness, and to repeal chapter 123 of the Session Laws of 1877, and it was read the first time.

Mr. Riggs moved that the rules be suspended, and the bills ordered printed.

The motion prevailed.



By consent, Mr. Lawson introduced House bill No. 197, An act providing for the collection of delinquent taxes.

By consent, Mr. Tucker introduced House bill No. 198, An act providing for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

House bill No. 199, An act to amend sections 1 and 3 of an act entitled "An act to regulate taxation on the change of boundary lines," approved March 3, 1873, and being chapter 142 of the Laws of 1873.

House concurrent resolution No. 21, for the purpose of printing 3,500 copies of the journals of the House and Senate each day, was taken up, and on motion of Mr. Biddle was indefinitely postponed.

On motion of Mr. Biddle, House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, was referred to the Committee on Roads and Highways.

Mr. Smith, of Marshall, moved that the rules be suspended, and that House bill No. 196, An act to authorize and empower the county of Leavenworth to take up and re-fund its railroad bonded indebtedness, and to repeal chapter 123 of the Session Laws of 1877, be read a second time now.

The motion prevailed, and the bill was read a second time, and referred to Committee on Municipal Indebtedness.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that Senators Murdock, Morrill and Matthewson have been appointed as a committee on part of the Senate, in accordance with Senate concurrent resolution No. 6, providing for a joint committee to consider the subject of the annexation of Kansas City, Mo., to the State of Kansas.

Has also passed Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases.

Senate bill No. 39, An act to authorize the County Commissioners of Wyandotte county to build a superstructure for a bridge in said county.

Senate bill No. 34, An act reëstablishing the line between and defining the territory comprising the Ninety-fourth and Ninety-fifth Representative Districts, being supplemental to an act entitled "An act to apportion the State for Senators and Representatives," approved March 2, 1876.

Senate bill No. 26, An act authorizing and directing County Commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE HOUSE.

Mr. Anderson, of Shawnee, moved that the House resolve itself into committee of the whole, for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Anderson, of Shawnee, in the chair.

After some time spent in discussion therein, the committee of the whole arose, and through their chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

They have considered House joint resolution No. 3, proposing an amendment to section 1, article 11 of the constitution of the State of Kansas, relating to finance and taxation, and instruct me to report the same back with the recommendation that it be passed over, and retain its place on the calendar.

Also, House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, and instruct me to report the same back with the recommendation that it retain its place on the calendar; that it be reprinted, and that the accompanying also be printed.

Also, House bill No. 32, An act to amend section 4, chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks," and instruct me to report progress thereon, and ask leave to sit again. T. J. ANDERSON, *Chairman*.

The report was agreed to.

On motion of Mr. Robb, the House adjourned.

## EIGHTEENTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 8, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Danhaur, Donahue, Eckles, Eggers, Ewing, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Andersoon of Cherokee, Armstrong, Bevins, Biddle, Clapp, Corbin, Cunningham, Eastland, Ellison, Farris, Gable (Frank M.), Gable (Thos.P.), Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hossack, James of Wyandotte, Legate, Price, Rice, Richards, Rood, Seaton, Smith of Bourbon, Watson, White, Woodard.

On motion, leave of absence was granted to Mr. Corbin until 3 o'clock Sunday next; also, to Mr. Seaton, on account of sickness; also, to Messrs. Henderson and Rood until Wednesday next, and to Mr. Watson until Monday at 2 o'clock P. M.

Mr. Fisler moved that the House adjourn until Monday at 3 o'clock P. M.

Mr. Manning moved that the motion be laid on the table, and the motion prevailed.

#### PRESENTATION OF PETITIONS.

By Mr. Bruner: Petition of citizens of Johnson county, asking for a constitutional amendment prohibiting the sale and manufacture of intoxicating drink within the State. Referred to the Committee on Temperance.

By Mr. Bruner: Petition of resident freeholders of the State of Kansas, that owners of hedge fences bordering on public highways be required to cut down or reduce the same at least twice a year to a height not exceeding four feet. Referred to Committee on Agriculture.

By Mr. Robb: Petition of citizens of Franklin county, praying that the dramshop act be so amended as that its provisions shall apply to all towns and cities alike, without distinction of class. Referred to Committee on Temperance.

By Mr. Lawson: Petition of the legal voters of Valley township, Reno county, Kansas, for a special act authorizing the Trustee to call an election to vote on the proposition to issue the bonds of the township for ditching purposes. Referred to Committee on Judiciary.

By Mr. Kelly: Petition for constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.

By Mr. Sallee: Petition of 100 mechanics and artisans of Bourbon county, praying for an amendment to the exemption laws relating to labor performed by artisans. Referred to Committee on Judiciary.

By Mr. Cool: Petition asking a constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.

By Mr. McMillen: Petitions of citizens of Douglas and Johnson counties, asking for an amendment to the constitution prohibiting the manufacture and sale of intoxicating drinks within the State. Referred to Committee on Temperance.

By Mr. Calvin: Petition of S. A. Smith and 216 citizens of Labette county, Kansas, and soldiers of the late war, asking the Legislature to memorialize Congress in behalf of the late soldiers of the United States army, wounded and disabled in the service,

and the accompanying papers. Referred to Committee on Federal Relations.

By Mr. Ewing: Petition asking the adoption of a State road through Kingman and Barbour counties. Referred to Committee on Roads and Highways.

By Mr. Games: Petition of Dr. J. M. Carpenter and 140 other citizens of Miami county, Kansas, asking that the dramshop act be amended in accordance with the recommendation of the Governor's late message. Referred to Committee on Temperance.

By Mr. Clapp: Petition praying that such changes shall be made in the code of civil procedure, that laborers shall not be required to give bond for cost in suits for wages. Referred to Committee on Judiciary.

By Mr. Beaty: Petition of many citizens of Brown county, praying for a constitutional amendment prohibiting the sale of intoxicating liquors. Referred to Committee on Temperance.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Greiffenstein: House bill No. 200, An act to amend an act entitled "An act to incorporate cities of the second class," approved February 28, 1872.

By Mr. Riggs: House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, A. D. 1880, and June 30, A. D. 1881.

By Mr. Hankins: House bill No. 202, An act to amend section 1, chapter 118 of the Session Laws of 1877, entitled "An act for the protection of birds."

By Mr. Clogston: House bill No. 203, An act conferring the right of majority on George Burkett, a minor.

By Mr. Robb: House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds to the construction of a railroad.

By Mr. Raybell: House bill No. 205, An act to locate a State road in Woodson and Greenwood counties, State of Kansas.

By Mr. Walker: House bill No. 206; An act to vacate certain streets, avenues and alleys in the town of St. George, Potawatomie county, Kansas.

By Mr. Hamilton, of Norton: House bill No. 207, An act au-



thorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county.

By Mr. Bevins: House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain offices, and their compensation and duties.

By Mr. Legate: House bill No. 209, An act to authorize the boards of county commissioners of the several counties, and the mayor and city council of any city, or the board of education of any city, and the trustees of any township, and the board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness.

By Mr. Godfrey: House bill No. 210, An act providing for changing the frontage of lots in incorporated cities.

By Mr. Calvin: House bill No. 211, An act to prevent the frequent change of text-books in schools.

By Mr. Sallee: House bill No. 212, An act to amend section 28 of article 4, chapter 122, of Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876.

House bill No. 213, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city, township or county hereafter subscribing to stock of any railroad company.

By Mr. Gable (Thomas P.): House bill No. 214, An act to enable counties and cities to compromise, purchase and settle their debts.

By Mr. Henderson: House bill No. 215, An act to authorize the county of Leavenworth to fund all of its indebtedness, bonded or otherwise, except its railroad bonded indebtedness.

By Mr. Gable (Frank M.): House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company.

By Mr. Hall: House bill No. 217, An act to amend section 84 of chapter 81 of the general laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases."

House bill No. 218, An act for the relief of Neosho county, Kansas.

House bill No. 219, An act to amend section 97 of chapter 81 of the general laws of Kansas of 1868, entitled, "An act regulating the jurisdiction and procedure before justices of the peace in civil cases," approved March 2, 1868.

By Mr. Wait, of Linn: House bill No. 220, An act to amend section 1, chapter 76, Laws of 1877, being an act authorizing a bounty on wolf, coyote, wild-cat, fox and rabbit scalps.

By Mr. Parsons: House bill No. 221, An act declaring the district clerk *ex-officio* register of deeds, prescribing his duties therein, and abolishing the office of register of deeds, as existing under the present law.

By Mr. Bevins: House bill No. 222, An act to authorize cities of the first class to re-fund certain indebtedness therein specified, and to provide for the issuing of funding bonds, and to provide a tax to pay such bonds, and for a sinking fund, and to furnish notations of the provisions of the act, and to repeal certain laws.

By Mr. McMillen: House bill No. 223, An act to enable John A. Duncan, a minor, to sell real estate.

By Mr. Walker: House bill No. 224, An act to vacate certain streets and alleys in the first addition to the town of St. George, Pottawatomie county, Kansas.

By Mr. Eckles: House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves.

On motion of Mr. Hodge, leave of absence was granted Mr. Donahue, Second Assistant Doorkeeper, on account of sickness in his family.

#### SECOND READING OF BILLS.

The following bills were read the second time, and referred to committees, as follows:

##### *To the Committee on Education:*

House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds, in which a part of

said funds are invested, and to use the proceeds in purchasing school-district bonds.

*To the Committee on Judiciary:*

House bill No. 184, An act to change the names of Arletta Gillen, Wood Gillen, and Grace Gillen.

House bill No. 185, An act conferring the rights of majority on Andrew J. Thomas, a minor.

House bill No. 186, An act to provide what animals shall not be permitted to run at large in the several counties in this State.

House bill No. 198, An act providing for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of Laws of 1872.

House bill No. 199, An act to amend sections 1 and 3 of an act entitled "An act to regulate taxation, and the change of boundary lines," approved March 3, 1873, and being chapter 142 of the Laws of 1873.

*To the Committee on Ways and Means:*

House bill No. 187, An act for the relief of J. W. Rankin.

*To the Committee on Temperance:*

House bill No. 188, An act amendatory of and supplemental to an act entitled "An act to restrain dramshops and taverns, and regulate the sale of intoxicating liquors," approved March 3, 1868.

*To the Committee on Railroads:*

House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms, or individuals.

*To Committee on Private Corporations:*

House bill No. 190, An act to amend section 1, chapter 57, of Laws of 1876, being an act to amend section 27, chapter 23, of the General Statutes of the State of Kansas.

House bill No. 191, An act for the prevention of trespassing of minors and others upon railways, trains, tracks, and depot grounds, and prescribing penalties therefor.

*To the Committee on Municipal Indebtedness :*

House bill No. 200, An act to amend an act entitled "An act to incorporate cities of the second class," approved February 28, 1872.

House bill No. 215, An act to authorize the county of Leavenworth to fund all of its indebtedness, bonded or otherwise, excepting its railroad bonded indebtedness.

House bill No. 216, An to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company.

House bill No. 222, An act to authorize cities of the first class to re-fund certain indebtedness therein specified, and to provide for the issuing of funding bonds, and to provide a tax to pay such bonds, and for a sinking fund, and to furnish notations of the provisions of the act, and to repeal certain laws.

*To the Committee on Agriculture :*

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, A. D. 1880, and June 30, A. D. 1881.

House bill No. 202, An act to amend section 1, chapter 118 of the Session Laws of 1877, entitled "An act for the protection of birds."

House bill No. 220, An act to amend section 1, chapter 76, Laws of 1877, being "An act authorizing a bounty on wolf, coyote, wild-cat, fox and rabbit scalps."

House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves.

*To the Committee on Judiciary :*

House bill No. 203, An act conferring the right of majority on George Burkett, a minor.

House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds to the construction of a railroad.

House bill No. 217, An act to amend section 84 of chapter 81 of the general laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases."

House bill No. 218, An act for the relief of Neosho county, Kansas.

House bill No. 219, An act to amend section 97 of chapter 81 of the general laws of Kansas of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases," approved March 2, 1868.

House bill No. 223, An act to enable John A. Duncan, a minor, to sell real estate.

*To the Committee on Municipal Corporations:*

House bill No. 205, An act to locate a State road in Woodson and Greenwood counties, State of Kansas.

House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain offices and their compensations and duties.

House bill No. 209, An act to authorize the board of county commissioners of the several counties, and the mayor and city council of any city, or the board of education of any city, and the trustees of any township, and the board of directors of any school district, or either of them, in this State, to adjust, compromise and settle their indebtedness.

House bill No. 210, An act providing for changing the frontage of lots in incorporated cities.

House bill No. 214, An act to enable counties and cities to compromise, purchase and settle their debts.

*To the Committee on Roads and Highways:*

House bill No. 206, An act to vacate certain streets, avenues and alleys in the town of St. George, Pottawatomie county, Kansas.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county.

House bill No. 224, An act to vacate certain streets and alleys in the first addition to the town of St. George, Pottawatomie county, Kansas.

*To the Committee on Education:*

House bill No. 211, An act to prevent the frequent change of text-books in schools.

House bill No. 212, An act to amend section 28 of article 4,



chapter 122, of the Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876.

*To the Committee on Railroads:*

House bill No. 233, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city, township or county hereafter subscribing to stock of any railroad company.

*To the Committee on Elections:*

House bill No. 221, An act declaring the district clerk *ex-officio* register of deeds, describing his duties therein, and abolishing the office of register of deeds, as existing under the present law.

INTRODUCTION OF BILLS.

By consent, Mr. Parsons introduced House bill No. 226, An act to amend section 1 of chapter 81, statutes of 1868. Read a second time, and referred to the Committee on Education.

By consent, Mr. Humes introduced House bill No. 227, An act relating to the apportionment and distribution of school tax levied and collected on railroads. Read a first and second time, and referred to the Committee on Education.

By consent, Mr. Keller introduced House bill No. 228, An act for the relief of E. D. Rose, of Jackson county, Kansas. Read a first and second time, and referred to the Committee on Militia.

By consent, Mr. Parsons introduced House bill No. 226, "An act to amend section 1 of chapter 81, statutes of 1868, which was read the second time, and referred to the Committee on Judiciary.

By consent, Mr. Humes introduced House bill No. 227, An act relating to the apportionment and distribution of school tax levied and collected on railroads. Read first and second times, and referred to the Committee on Education.

By consent, Mr. Keller introduced House bill No. 228, An act for the relief E. D. Rose, of Jackson county, Kansas. Read a first and second time, and referred to the Committee on Militia.

REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was

referred House bill No. 122, An act to amend section 6 of chapter 38, General Statutes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 126, An act relating to costs in actions for libel and slander, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 119, An act to regulate the time of holding township elections, and to regulate the terms of office, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to standing Committee on Revision of Laws.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 72, An act and memorial declaratory of the construction of certain act of the Legislature of the Territory of Kansas creating railroad corporations, as to the term of their duration and existence of such corporations, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, but recommend the passage of the accompanying substitute.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 130, An act to amend an act approved February 28, 1877, entitled "An act to amend section 1 of chapter 133, Laws of 1876," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Inter-State Commerce.

S. A. RIGGS, *Chairman*.

By consent, the recommendation of House bill No. 119 was agreed to.

Mr. Clapp, chairman of the Committee on Public Lands, submitted the following report:

MR. SPEAKER: Your Committee on Public Lands, to whom

was referred House bill No. 63, An act to amend section 4 of article 14 of the Laws of 1876, being "An act for the regulation and support of common schools," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

DEXTER E. CLAPP, *Chairman*.

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 157, An act relating to State and county roads, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 129, An act to establish a State road in the counties of Edwards, Hodgeman, Ness and Ellis, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 114, An act to vacate certain roads, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to

whom was referred House bill No. 176, An act to enable Lyon county to build certain bridges therein named, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act regulating the salary of the County Attorney of Neosho county, Kansas," approved February 28, 1877, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 2, An act conferring the rights of majority on Robert J. Weisbach, a minor, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 66, An act to amend section 321 of the code of civil procedure, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. White, chairman of the Committee on Insurance, submitted the following report:

MR. SPEAKER: Your Committee on Insurance, to whom was referred House bill No. 54, An act relating to foreign insurance companies doing business in this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

G. L. WHITE, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness,



to whom was referred House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with the amendment attached to section 1.

E. C. MANNING, *Chairman*.

Mr. Hodge, chairman of the Committee on Banks and Banking, submitted the following report:

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. M. HODGE, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 162, An act to repeal chapter 194 of the Session Laws of 1872, relating to stock, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following report:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 113, An act to amend section 6, article 6, chapter 122 of the Laws of 1876, being an act entitled "An act for the regulation and support of common schools," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

J. A. BLACKMAN, *Chairman*.



Mr. Congdon, chairman of the Committee on Retrenchment and Reform, submitted the following report:

MR. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred House bill No. 99, An act regulating the interest on money, and repealing all laws in conflict herewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

W. M. CONGDON, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following report:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 143, An act to amend section 8 of chapter 93 of the Laws of 1875, entitled "An act regulating the salaries of county treasurers," approved March 1, 1875, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman*.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following report:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 158, An act to amend section 2, chapter 26 of the General Statutes, entitled "An act concerning the location and removal of county seats," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended: Amend section 2 by striking out "five-eighths," and inserting "two-thirds."

W. C. BUTTS, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation,

to whom was referred House bill No. 57, An act to amend section 3 of chapter 34 of the Session Laws of 1876, being an act entitled "An act to provide for the assessment and collection of taxes," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 44, An act to amend section 1 of chapter 78 of the Laws of 1875, approved March 5, 1875, and to repeal section 5 of chapter 8 of the laws passed at the special session of 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 108, An act to amend section 1 of an act approved March 6, 1877, entitled "An act authorizing a bounty upon wolf, wild-cat and rabbit scalps," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

JOHN S. GILMORE, *Chairman*.

Mr. Smith, of Marshall, moved that the rules be suspended, and substitute for House bill No. 72, An act defining the term of duration and existence of certain railroad corporations, be considered engrossed, and read a third time.

The motion prevailed, and the bill was read the third time.

Mr. Bruner moved that the bill be printed, and made the special order for Monday next at 3 o'clock P. M.

Mr. Biddle moved the previous question, and the question being, Shall the main question be now put? the motion prevailed.

The question being on the motion to postpone, and print, the motion did not prevail.

The question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 101 (constitutional majority, 65); yeas, 94; nays, 7; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson

of Shawnee, Baker, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Blanchard, Boggs, Bower, Briggs, Brinkman, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hankins, Helmick, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodward, and Wright.

Gentlemen voting in the negative were: Messrs. Bishop, Blackman, Breyfogle, Bruner, Hall, Hutchison, and McMillen.

Gentlemen absent or not voting were: Messrs. Armstrong, Ballard, Brown, Corbin, Donahue, Farris, Fisler, Gable (Thos. P.), Greever, Hamilton of Norton, Hartshorne, Henderson, James of Wyandotte, Manning, Moore, Parsons, Price, Rice, Richards, Rood, Seaton, Smith of Bourbon, Stitt, Tucker, Wait of Lincoln, Watson, Wilson of Jackson, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

On motion of Mr. Kennedy, the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## NINETEENTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 10, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Callen, Calvin, Clapp, Clark, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hankins, Helmick, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Richards, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent were: Messrs. Ballard, Bevins, Blackman, Briggs, Brown, Butts, Clogston, Congdon, Corbin, Donahue, Gable (Frank M.), Gable (Thomas P.), Hamilton of Norton, Hartshorne, Henderson, Hewins, Humes, McCrumb, Price, Rath, Raybell, Rice, Rood, Seaton, Smith of Bourbon, Wait of Linn, Walker, Watson, and Wilson of Jackson.

Quorum present.

On motion, leave of absence was granted to Mr. Miller, until 4 o'clock P. M. to-day, to Mr. Congdon on account of sickness, and to Mr. Clogston until 2 o'clock P. M. to-morrow.

The journal of Saturday was read, and approved.

## APPOINTMENTS.

Mr. Speaker Clarke made the following announcements of clerks to committees:

By authority vested in me, I do hereby appoint W. J. Lea Clerk of the Committee on Insurance.

SIDNEY CLARKE,  
*Speaker of the House.*

Mr. Lea came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Insurance of the House of Representatives, to the best of my ability. So help me God. (Signed) W. J. LEA.

Subscribed and sworn to before me, this 10th day of February, 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

By authority vested in me, I hereby appoint George E. Faler clerk of the Committee on Public Lands.

SIDNEY CLARKE,  
*Speaker of the House.*

Mr. Faler came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support<sup>er</sup> the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Public Lands, to the best of my ability. So help me God.

(Signed) GEO. E. FALER.

Subscribed and sworn to before me, this 10th day of February, A. D. 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

## PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Bower: Petition asking for a constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.



By Mr. Gillespie: Petition of Nesthir Stoddard Turner and 92 others, praying for an amendment to the dramshop act. Referred to Committee on Temperance.

By Mr. Myers: Protest signed by R. C. Atheorn and 38 others, against any change in the county lines between Riley and Clay counties. Referred to Committee on County Seats and County Lines.

By Mr. Barrackman: Petition asking a constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.

By Mr. Majors: Petition asking a constitutional amendment prohibiting the liquor traffic. Referred to Committee on Temperance.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Riggs: House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars.

Mr. Biddle moved that the rules be suspended, the bill be read a second time, referred, and ordered printed.

The motion prevailed, and the bill was read the second time.

By Mr. Selover: House bill No. 230, An act relating to township officers.

By Mr. Legate: House bill No. 231, An act to repeal section 5 of chapter 44 of the Laws of 1868, being "An act relating to fugitives from justice."

By Mr. Hodge: House bill No. 232, An act to amend section 13, chapter 16 of the General Statutes of the State of Kansas of 1868, being "An act to provide for the building of bridges," approved February 22, 1867.

House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon creek, in Dickinson county, Kansas.

By Mr. Waite, of Pawnee: House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier.

By Mr. James, of Shawnee: House bill No. 235, An act making appropriation for the support of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880 and 1881.

By Mr. James, of Shawnee: House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25 of the General Statutes of 1868," being "An act relating to counties and county officers," of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys.

By Mr. Anderson, of Cherokee: House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee.

House bill No. 238, An act to provide for the distribution of road and school taxes upon railroads receiving aid from townships among the different road and school districts in such townships.

By Mr. Shaw: House bill No. 239, An act making appropriation to provide for the current expenses of the Institution for the Education of the Deaf and Dumb, for the fiscal years ending June 30, 1880 and 1881.

By Mr. Danhaur: House bill No. 240, An act to amend section 156 of chapter 25 of the General Statutes of Kansas, and supplemental thereto.

By Mr. Wilson, of Nemaha: House bill No. 241, An act to amend section 38 of chapter 105 of the General Statutes of 1868, relating to bulls and boars.

By Mr. Wright: House bill No. 242, An act making an appropriation for the Orphan Asylum, at Leavenworth, Kansas.

By Mr. Loy: House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas.

By Mr. Lawson: House bill No. 244, An act for the relief of C. L. Easley, of Reno county, Kansas.

By Mr. Callen: House bill No. 245, An act to create the office of county assessor, to prescribe the duties thereof, and to repeal all acts and parts of acts in conflict therewith.

House bill No. 246, An act to amend section 13 of chapter 16 of the general laws of 1868, being "An act to provide for the building of bridges."

House bill No. 247, An act to amend section 8, chapter 37, Session Laws of 1872, being "An act for the encouragement of agriculture," approved February 9, 1872.

By Mr. Gillespie: House bill No. 248, An act regulating mines and mining in the State of Kansas.

By Mr. Alexander: House bill No. 249, An act providing for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies.

By Mr. Kollock: House bill No. 250, An act conferring the rights of majority upon Ira Kline.

By Mr. Keller: House bill No. 251, An act to amend section 1 of chapter 78 of the Laws of 1876, it being "An act relating to counties and county officers."

By Mr. Beaty: House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock.

House bill No. 253, An act to amend section 16 of chapter 39 of General Statutes of 1868, relating to fees before justices of the peace.

By Mr. Anderson, of Shawnee: House bill No. 254, An act providing for the organization of mutual life insurance companies.

By Mr. Ewing: House bill No. 255, An act to remove the disabilities of S. W. Lard and A. L. Duncan, of Barbour county.

By Mr. Hall: House bill No. 256, An act conferring the rights of majority on James Gahagan, a minor.

By the Committee on Ways and Means: House bill No. 257, An act making appropriation to Henry King for the payment of postage stamps.

By consent, House bill No. 186 was referred to the Committee on Judiciary.

#### SECOND READING AND REFERENCE OF BILLS.

On motion of Mr. Callen, the rules were suspended, and bills read the first time were considered read the second time, and referred to appropriate committees.

##### *To the Committee on Railroads:*

House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars.

##### *To the Committee on Elections:*

House bill No. 230, An act relating to township officers.

##### *To the Committee on Judiciary:*

House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon creek, in Dickinson county, Kansas.

House bill No. 246, An act to amend section 13 of chapter 16 of the general laws of 1868, being "An act to provide for the building of bridges."

House bill No. 249, An act providing for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies.

House bill No. 251, An act to amend section 1 of chapter 78 of the Laws of 1876, it being "An act relating to counties and county officers."

House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock.

*To the Committee on Militia:*

House bill No. 234, An act making an appropriation for a military contingent fund, and to provide for a patrol guard on the frontier.

*To the Committee on Ways and Means:*

House bill No. 235, An act making an appropriation for the support of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880 and 1881.

House bill No. 239, An act making an appropriation to provide for the current expenses of the Institution for the Education of the Deaf and Dumb, for the fiscal years ending June 30, 1880 and 1881.

House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee.

House bill No. 242, An act making an appropriation for the Orphan Asylum, at Leavenworth, Kansas.

*To the Committee on Fees and Salaries:*

House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25 of the General Statutes of 1868," being "An act relating to counties and county officers," of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys.

*To the Committee on Claims:*

House bill No. 244, An act for the relief of C. L. Easley, of Reno county.

*To the Committee on Agriculture:*

House bill No. 241, An act to amend section 38 of chapter 105 of the General Statutes of 1868, relating to bulls and boars.



House bill No. 247, An act to amend section 8 of chapter 37, Session Laws of 1872, being "An act for the encouragement of agriculture," approved February 9, 1872.

House bill No. 252, An act to amend section 5 of chapter 105 of the General Statutes of 1868, relating to stock.

*To the Committee on Mines and Mining:*

House bill No. 248, An act regulating mines and mining in the State of Kansas.

*To the Committee on Insurance:*

House bill No. 254, An act providing for the organization of mutual life insurance companies.

INTRODUCTION OF BILLS.

The following Senate bills were introduced, and read the first time:

By Mr. Greene: Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases.

By Mr. Bradbury: Senate bill No. 26, An act authorizing and directing County Commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same.

By Mr. Wright: Senate bill No. 34, An act reestablishing the line between and defining the territory comprising the Ninety-fourth and Ninety-fifth Representative Districts, being supplemental to an act entitled "An act to apportion the State for Senators and Representatives," approved March 2, 1876.

By Mr. Buchan: Senate bill No. 39, An act to authorize the County Commissioners of Wyandotte county to build a superstructure for a bridge in said county.

SECOND READING AND REFERENCE OF BILLS.

By consent, the rules were suspended, and the foregoing bills were read the second time, and referred as follows:

*To the Committee on Judiciary:*

Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases.

Senate bill No. 39, An act to authorize the County Commissioners of Wyandotte county to build a superstructure for a bridge in said county.



*To the Committee on Municipal Indebtedness.*

Senate bill No. 26, An act authorizing and directing County Commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same.

## REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts known as the State Agricultural College lands, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain title to real estate, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 131, An act to amend section 1 of chapter 104 of Laws of 1872, entitled "An act to amend section 11 of article 3, chapter 23 of the General Statutes of 1868," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 116, An act to provide for the redemp-

tion of real estate sold under execution or order of sale, or other final processes, and repealing all laws in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 156, An act to provide for the purchase, and placing of the statues of John Brown and James H. Lane in the old hall of the House of Representatives in the Capitol of the United States, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: The joint Committee on Ways and Means have had under consideration the subject-matter of the accompanying bill, and instruct me to report the bill to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, and certain others therein named, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 47, An act authorizing the transfer of certain interests belonging to the interest fund of the city of Atchison, Kansas, now on hand and unexpended, to the general fund of said city, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. White, chairman of the Committee on Insurance, submitted the following report:

MR. SPEAKER: Your Committee on Insurance, to whom was referred House bill No. 55, An act to regulate insurance, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended.

G. L. WHITE, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following reports:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 226, An act to amend section 1 of chapter 81 of the statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 183, An act to extend the time of payment of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds, in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 200, An act to amend an act entitled "An act to incorporate cities of the second class," approved February 28, 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Municipal Corporations.

E. C. MANNING, *Chairman*.

House joint resolution No. 4, for calling a constitutional convention, was read a second time, and referred to the Committee on Judiciary.

By consent, House bill No. 200, An act to amend an act entitled "An act to incorporate cities of the second class," approved

February 28, 1872, was referred to the Committee on Municipal Corporations.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Faulkner introduced House joint resolution No. 5, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors, by adding section 10 to said article, which was read the first time.

Mr. Humes offered House concurrent resolution No. 27, to refund certain money derived from sale of school lands to certain parties therein named.

By consent, the resolution was referred to the Committee on Ways and Means.

Mr. Breyfogle offered the following resolution:

*Resolved*, That the Committee on Temperance be authorized to employ a clerk, to serve not to exceed six days.

Laid over under the rules.

Mr. Legate offered the following resolution:

*Resolved*, That the Committee on State Charitable Institutions be directed by the House to visit the institutions, and report to this House the result of their examination and investigation; and that the committee be authorized to appoint a clerk, to be employed during the time of such visits and the making of such report.

Mr. Legate moved that the rules be suspended, and the resolution be adopted.

The motion did not prevail, and the resolution was laid over under the rules.

Mr. Stumbaugh offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be empowered to appoint what necessary help he stands in need of, with the approval of the Speaker.

Laid over under the rules.

Mr. Biddle offered a resolution relating to assessment of personal property in certain cases. Laid over under the rules.

Mr. Calvin offered House concurrent resolution No. 27, memorializing the Congress of the United States to amend the pension and bounty law of the United States. Laid over under the rules.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 17, providing for a joint committee of investigation of alleged frauds in Senatorial election. Committee on behalf of the Senate: Messrs. Buchan, Johnston, Gillpatrick, Pyburn, and Williams.

Also, has passed Senate bill No. 38, An act authorizing townships in Linn county to vote bonds for the purpose of building and repairing roads and bridges in said Linn county.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has failed to concur in House concurrent resolution No. 19, relating to Osage trust lands.

Has indefinitely postponed further consideration of House concurrent resolution No. 22, relating to meeting in joint session to ballot for a United States Senator.

Has passed House bill No. 21, An act making appropriations for the purpose of paying the fees of Registers and Receivers of United States land offices for the final location of lands granted to the State of Kansas by the United States as indemnity school lands.

HENRY BRANDLEY, *Secretary*.

## APPOINTMENT.

The Speaker made the following announcement:

By authority vested in me, I hereby appoint Mrs. Clara L. Byrner Third Assistant Enrolling Clerk of the House of Representatives.

SYDNEY CLARKE,

*Speaker of the House.*

Mrs. Byrner came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Third Assistant Enrolling Clerk to the best of my abilities. So help me God.

(Signed) CLARA BYRNER.



Subscribed and sworn to before me, this 10th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Loy offered the following resolution, and moved its adoption:

*Whereas*, The Committee on Agriculture are having a large amount of work to perform: therefore, be it

*Resolved*, That the aforesaid committee be allowed a clerk from this time until such time as said clerk can be dispensed with.

The question being on the adoption of the resolution, the resolution was adopted.

Mr. Randolph offered the following resolution, and moved its adoption:

*Resolved*, That the Secretary of State be instructed to procure a suitable room for the investigation committee of the House.

The motion prevailed.

Mr. Waite, of Pawnee, offered House concurrent resolution No. 29, memorializing our Representatives in Congress to pass a bill providing for the resurvey of the Fort Larned military reservation.

Mr. Waite, of Pawnee, moved the rules be suspended, and the resolution be considered now. The motion prevailed.

The question being on the adoption of the resolution, Mr. Sallee moved that the resolution be amended as follows: Strike out all after the word "condition," in the second preamble.

The amendment prevailed.

The resolution as amended was adopted.

#### QUESTION OF PRIVILEGE.

Mr. Legate offered the following resolution:

*Resolved*, That the committee appointed to investigate the fraudulent transactions in the election of United States Senator be discharged from further consideration of any matter under said resolution.

*Resolved further*, That said committee be continued for the purpose of investigating any charge which shall be made in writing, and signed by the party making the charge, against any member of this House, and designating the names of the witnesses by whom he can make the proof, and such paper shall be presented to the House, and referred to said committee, and no

other investigation shall be entered into or reported upon by said committee. And in all such cases the person charged may be present when investigated, with an attorney, if he chooses, and introduce counter testimony. No charges shall be entertained unless presented on or before the 20th day of this month.

Mr. Legate arose to a point of order, and asked for the consideration of the resolution now, as a question of privilege.

The Speaker decided the point of order not well taken, from which decision Mr. Legate appealed.

The question being, Shall the decision of the chair stand as the judgment of the House? the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 61; nays, 55; absent or not voting, 13.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Helmick, Henderson, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Loy, Majors, Martin of Kingman, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Ballard, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hankins, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Manning, Martin of Labette, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Briggs, Brown, Congdon, Hamilton of Norton, Hartshorne, Riggs, Rood, Smith of Bourbon, Walker, and Speaker Clarke.

And so the decision of the chair was sustained.

Mr. Legate moved that the House do now adjourn; upon which the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 57; nays, 57; not voting, 15.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Brinkman, Calvin, Clapp, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ewing, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, Kennedy, Kollock, Legate, Manning, Martin of Labette, McClintick, McCrumb, McKay, Price, Raybell, Rice, Robb, Scott, Seaton, Smith of Marshall, Stitt, Stumbaugh, Tucker, Willey, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Armstrong, Baker, Barber, Barrackman, Beaty, Bissell, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Clogston, Eastland, Ellison, Farris, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Huffaker, Hutchison, James of Shawnee, Keller, Kelly, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Miami, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Richards, Sallee, Selover, Shaw, Spilman, Stewart, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Wilson of Jackson, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Briggs, Brown, Congdon, Fisler, Hamilton of Norton, Hartshorne, James of Wyandotte, Parsons, Riggs, Rood, Smith of Bourbon, and Walker.

And so the House refused to adjourn.

Pending the call of the roll, Mr. Legate moved a call of the House. The motion prevailed, and the roll was called.

The following gentlemen were reported absent: Messrs. Biddle, Boggs, Breyfogle, Cunningham, Ewing, Gilmore, Hankins, Humes, James of Shawnee, Kollock, Lawson, Richards, Riggs, and Wilson of Jackson.

Mr. Legate moved that further proceedings under the call be dispensed with. The motion did not prevail.

Messrs. Boggs, Breyfogle, Hankins, James of Shawnee, Richards, Gilmore, Ewing, Ballard, Lawson, Willey, Humes, Clark,

Cunningham, Riggs, Kollock, and Biddle, returning to the hall, by unanimous consent, further proceeding under the call was dispensed with.

The call of the roll was completed, with the following result: Yeas, 57; nays, 57.

The motion to adjourn did not prevail.

Mr. Biddle moved that Senate concurrent resolution No. 17 be taken up. The motion did not prevail.

Mr. Eggers moved that the House do now adjourn, which motion prevailed.

The House adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

## TWENTIETH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 11, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Thomas P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelly, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell,



Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Bevins, Bishop, Brinkman, Clapp, Farris, Gable (Frank M.), Greiffenstein, Hartshorne, Henderson, Hossack, Huffaker, Rood, Wait of Lincoln, and Walker.

Quorum present.

On motion, leave of absence was granted Messrs. Wait of Lincoln, and James of Shawnee, on account of sickness.

The journal of yesterday was read, and approved.

#### APPOINTMENT.

The Speaker announced the appointment of W. W. Cone as clerk of the Committee on Agriculture, as follows:

By authority vested in me, I hereby appoint W. W. Cone clerk of the Committee on Agriculture.

SIDNEY CLARKE,  
*Speaker of the House.*

Mr. Cone came forward, and took the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Agriculture, to the best of my ability. So help me God.

(Signed) W. W. CONE.

Subscribed and sworn to before me, this 11th day of February, 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and read:

By Mr. Riggs: Petition of J. W. Robinson, and 4,000 other resident freeholders of the State of Kansas, asking for an appropriation for the Kansas State Horticultural Society. Referred to Committee on Agriculture.

By Mr. Legate: Petition of the Sisters of Charity of the St.



John Hospital, at Leavenworth, accompanying papers. Referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Legate: House bill No. 258, An act in relation to the St. Vincent de Paul School, at Leavenworth.

House bill No. 259, An act regulating freights and fares on railroads.

Mr. Legate moved a suspension of the rules, and that House bill No. 259 be read a second time, and ordered printed. The motion prevailed, and the bill was referred to the Committee on Railroads.

By Mr. Bronson: House bill No. 260, An act to define the boundaries of the Thirteenth Judicial District.

House bill No. 261, An act creating the Seventeenth Judicial District, to provide a Judge therefor, and for holding courts therein.

House bill No. 262, An act to detach the county of Chase from the Ninth Judicial District, and attach it to the Fifth Judicial District.

By Mr. Rice: House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatimie for the ensuing two years.

By Mr. Breyfogle: House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876.

By Mr. Wright: House bill No. 265, An act relating to the salary of County Attorney of Ford county.

By Mr. Wait, of Lincoln: House bill No. 266, An act to repeal sections 1, 2 and 3 of chapter 93, Laws of 1875.

By Mr. Lawson: House bill No. 267, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding courts therein.

By Mr. Eastland: House bill No. 268, An act supplemental to an act defining crimes and punishments, being entitled "An act concerning offenses against property."

By Mr. Spilman: House bill No. 269, An act to amend an act entitled "An act to provide for the assessment and collection of taxes."

By Mr. Keller: House bill No. 270, An act to amend section

19 of chapter 39 of the General Statutes of 1868, relating to fees and salaries.

By Mr. Hamilton, of Marshall: House bill No. 271, An act declaring section lines in Marshall county public highways.

SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time, and referred:

*To the Committee of the Whole :*

House bill No. 257, An act making appropriation to Henry King for the payment of postage stamps.

*To the Committee on Judiciary :*

House joint resolution No. 5, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors, by adding section 10 to said article.

Mr. Lawson moved that the rules be suspended, and the bills introduced to-day be read the the second time, and referred to their appropriate committees. The motion prevailed.

*To the Committee on Judiciary :*

House bill No. 268, An act supplemental to an act defining crimes and punishments, being entitled "An act concerning offenses against property."

House bill No. 261, An act creating the Seventeenth Judicial District, to provide a Judge therefor, and for holding courts therein.

House bill No. 271, An act declaring section lines in Marshall county public highways.

House bill No. 260, An act to define the boundaries of the Thirteenth Judicial District.

House bill No. 262, An act to detach the county of Chase from the Ninth Judicial District, and attach it to the Fifth.

*To the Committee on Ways and Means :*

House bill No. 258, An act relating to the St. Vincent de Paul school, at Leavenworth.

House bill No. 263, An act making appropriation for the support of the State Insane Asylum at Osawatomie for the ensuing two years.

*To the Committee on Education:*

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876.

*To the Committee on Railroads:*

House bill No. 259, An act regulating freights and fares on railroads.

*To the Committee on Fees and Salaries:*

House bill No. 266, An act to repeal sections 1, 2 and 3 of chapter 93, Laws of 1875.

House bill No. 270, An act to amend section 19 of chapter 39 of the General Statutes of 1868, relating to fees and salaries.

House bill No. 265, An act relating to salary of County Attorney of Ford county.

*To the Committee on Apportionment:*

House bill No. 267, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding courts therein.

*To the Committee on Assessment and Taxation:*

House bill No. 269, An act to amend an act entitled "An act to provide for the assessment and collection of taxes."

Substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same.

Senate bill No. 38, An act authorizing townships in Linn county to vote bonds for the purpose of building and repairing roads and bridges in said Linn county.

## REPORTS OF STANDING COMMITTEES.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 214, An act to enable cities and counties to compromise, purchase and settle their debts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Municipal Indebtedness.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 205, An act to locate a

State road in Woodson and Greenwood counties, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Roads and Highways.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 210, An act providing for changing the frontage of lots in incorporated cities, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain officers and their compensation and duties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 209, An act to authorize the board of county commissioners of the several counties, or the mayor and city council of any city, or the board of education of any city, or the trustee of any township, or the board of directors of any school district, or either of them, of this State, to adjust, compromise and settle their indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Municipal Indebtedness.

CHAS. H. MILLER, *Chairman*.

By consent, House bills Nos. 209 and 214 were referred to Committee on Municipal Indebtedness, and House bill No. 205 to Committee on Roads and Highways.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 165, An act providing for the punish-



ment of bank officers for the receipt of deposits, or the creation of debts, when insolvent or in failing circumstances, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 39, An act to authorize the County Commissioners of Wyandotte county to build a superstructure for a bridge in said county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 217, An act to amend section 84 of chapter 81 of the general laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 168, An act relating to deeds and conveyances, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 75, An act to vacate a part of the town site of the city of Pleasanton, in Linn county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Elections.

S. A. RIGGS, *Chairman*.



MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 111, An act to vacate a part of the town of Wakefield, in Clay county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 145, An act to prescribe certain duties of probate judges and county clerks in counties having 25,000 inhabitants or more, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 146, An act to amend section 111, chapter 31 of the revised laws of 1868, being "An act relating to offenses against property," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Jurisprudence.

S. A. RIGGS, *Chairman*.

By consent, the bill was so referred.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 166, An act relating to taxation in the county of Leavenworth, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Municipal Indebtedness.

JOHN S. GILMORE, *Chairman*.

By consent, the bill was so referred.

Mr. Hodge, chairman of the Committee on Banks and Banking, submitted the following report:

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have had the same under consideration, and instruct me

to report the bill back to the House with the recommendation that it be passed.

J. M. HODGE, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following reports:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 227, An act relating to the apportionment and distribution of school tax, bonds and collections on railroads, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 211, An act to prevent the frequent change of text-books in schools, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. A. BLACKMAN, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with certain amendments attached thereto.

E. C. MANNING, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 138, An act to authorize and empower the county of Douglas to settle and re-fund its railroad bonded indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the following substitutes therefor be passed.

E. C. MANNING, *Chairman*.

Mr. White, chairman of the Committee on Insurance, submitted the following report:

MR. SPEAKER: Your Committee on Insurance, to whom was referred House bill No. 254, An act organizing life insurance

companies, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

G. L. WHITE, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 202, An act to amend section 1, chapter 118 of Session Laws of 1877, entitled "An act for the protection of birds," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed with the following amendment, viz: In place of "Commonwealth," insert "statutes."

J. M. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 201, An act making appropriations for the Kansas State Horticultural Society for the fiscal years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. M. LOY, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following reports:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 253, An act to amend section 16 of chapter 39 of the General Statutes of 1868, relating to fees before justices of the peace, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

H. C. BULL, *Chairman*.

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25, of the General Statutes of 1868," being "An act relating to counties and county officers," of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman*.

Mr. Eggers, chairman of the Committee on Railroads, submitted the following report :

MR. SPEAKER: Your Committee on Railroads, to whom was referred House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms, or individuals, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

L. F. EGGERS, *Chairman*.

Mr. Ballard, chairman of the Committee on Penitentiary, submitted the following report:

MR. SPEAKER: Your Committee on Penitentiary, to whom was referred House bill No. 117, An act authorizing the employment of convict labor at the State Penitentiary for the opening of a coal mine on the Penitentiary grounds, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, but offer a substitute, and ask that it be referred to the Committee on Ways and Means.

D. E. BALLARD, *Chairman*.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 72, An act defining the term of duration and existence of certain railroad corporations, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate substitute for House bill No. 72.

S. M. STRICKLER, *Ass't Secretary*.

#### POINT OF ORDER.

Senate concurrent resolution No. 17, providing for joint committee on investigation of frauds in the Senatorial election, was taken up.



Mr. Stumbaugh raised the point of order that the resolution was not in order.

The Speaker decided the point of order well taken, from which decision Mr. Biddle appealed to the House.

The question being, Shall the decision of the chair stand as the judgment of the House? the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 59; nays, 59; not voing, 10.

Gentlemen voting in the affirmative were: Messrs. Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Norton, Helmick, Hodge, Huffaker, Hutchison, Kelly, Kennedy, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Sallee, Scott, Selover, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hankins, Henderson, Hewins, Hossack, Humes, James of Shawnee, Keller, Kollock, Lawson, Legate, Leonard, Manning, McCrumb, Myers, Price, Rice, Richards, Robb, Seaton, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Willey, Wilson of Jackson, Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Hartshorne, James of Wyandotte, Rood, Smith of Bourbon, Spilman, Walker, Wright, and Speaker Clarke.

Mr. Alexander being "paired" with Mr. Congdon, who was absent, by unanimous consent was excused from voting.

And so the decision of the chair was not sustained.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, by the hand of his Private Secretary, Mr. Ward:



TO THE LEGISLATURE: I have the honor to transmit herewith for your consideration, the report of the commission appointed under act approved March 6, 1877, to revise the General Statutes of this State. JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, February 11, 1879.

To the HON. JOHN P. ST. JOHN, *Governor of the State of Kansas*:

We have had under consideration the revision of the statutes of Kansas, and we recommend that the following statutes be retained in the new volume of statutes, to be published as they are:

Chapter 1, in reference to the admission of the State.

Chapters 2 and 3, as amended.

Chapter 5, relating to apprentices.

Chapter 6, relating to assignments, as amended.

Chapters 7, 8, 9 and 10, relating to charitable and benevolent institutions, including subsequent legislation upon the same subject, and now in force.

Chapter 11, relating to attorneys at law.

Chapter 12, relating to bankrupts.

Chapter 13, relating to official bonds.

Chapters 14 and 15, relating to bonds, bills, and notes.

Chapter 20, relating to commissioners to take depositions.

Chapter 21, relating to contracts and promises.

Chapter 26, relating to county seats.

Chapter 27, as amended, relating to the Supreme Court.

Chapter 28, as amended, in relation to the district courts.

Chapter 29, as amended, in relation to probate courts.

Chapter 32, providing for the recovery of damages against cities and towns.

Chapter 33, relating to descents and distributions.

Chapter 34, and supplemental act of 1870, relating to drainages.

Chapter 36, in relation to elections, except sections 65, 66, 67, 68 and 69, which are revised in the revised act relating to public offenses, and therefore should be repealed.

Chapter 37, as amended, respecting executors and administrators.

Chapter 38, in regard to exemptions.

Chapter 40, as amended, relating to fences.

Chapter 41, relating to ferries.

Chapter 42, and supplemental acts, relating to fires.

Chapter 43, relating to frauds and perjuries.

Chapter 46, as amended, relating to guardians and wards.

Chapter 47, relating to illegitimate children.

Chapter 48, in relation to immigration.

Chapter 49, relating to impeachment.

Chapter 50, in relation to Indians.

Chapter 51, regulating interest of money, as amended by Laws of 1871 and 1872.

Chapter 52, relating to internal improvements.

Chapter 54, as amended, and subsequent acts, relating to juries.

Chapter 55, as to landlords and tenants.

Chapter 57, relating to the Legislature.

Chapter 59, in relation to limitations in certain cases.

Chapter 60, as amended, relating to lunatics and drunkards, including supplemental act, (chapter 20, Laws of 1870.)

Chapter 61, in relation to marriage.

Chapter 62, in relation to married women.

Chapter 63, to promote medical science.

Chapter 64, with amendments, relating to the militia.

Chapter 65, relating to mills and millers.

Chapter 66, and amendments, relating to mill-dams and mills.

Chapter 67, relating to minors.

Chapter 68, as amended, relating to mortgages.

Chapter 69, relating to the change of names.

Chapter 70, relating to normal schools, has been superseded by sundry enactments, and we recommend that the existing laws upon that subject remain.

Chapter 71, as amended, relating to notaries public.

Chapter 72, relating to official oaths.

Chapter 73, relating to pardons.

Chapter 74, relating to partnerships.

Chapter 75, relating to partners and joint debtors.

Chapter 76, providing for recording patents.

Chapter 77, as amended, relating to the Penitentiary, and supplemental acts, Laws of 1869 and 1870.

Chapter 78, in relation to plats of cities and towns.

Chapter 84, relating to railroads, as amended, and other existing laws in relation to railroads and railroad corporations, (to be united in one chapter).

Chapter 89, in relation to roads and highways, as amended by subsequent acts.

Chapter 90, in relation to the Sabbath.

Chapter 97, in relation to orphans and destitute children of soldiers.

Chapter 98, relating to State bonds.

Chapter 99, as amended, and subsequent acts, relating to the State House.

Chapter 104, relating to construction of statutes.

Chapter 106, relating to stone quarries.

Chapter 109, as amended, relating to town sites.

Chapter 111, relating to trade marks.

The revisers also recommend that the laws of a general nature hereinafter named, passed subsequently to the General Statutes of 1868, be retained, and embraced in the volume to be published as general laws of the State.

Chapter 5, Laws of 1869, and subsequent acts relating to building and saving or trust associations.

Chapter 85, Laws of 1869, regulating salvage, as amended by chapter 127, Laws of 1873.

Chapter 93, Laws of 1869, providing for the establishment and maintenance of reform schools.

Chapter 50, Laws of 1870, providing for consolidation of cities.

Chapter 118, Laws of 1870, as amended, relating to the right of suffrage in cities of the first class.

Chapter 124, Laws of 1870, relating to trespasses on school lands and lands belonging to State institutions.

Chapter 47, Laws of 1871, providing for consolidation of bonds of the State.

Chapter 60, Laws of 1871, as amended, providing for the organization and government of cities of the third class.

Chapter 79, Laws of 1871, providing for contesting county-seat elections, and all elections other than those held for choosing public officers.

Chapter 93, Laws of 1871, as amended, relating to the Insurance Department.

Chapter 144, Laws of 1871, relating to the improvement of the State House grounds.

Chapter 68, Laws of 1872, as amended, relating to municipal

bonds, for the purpose of building bridges, aiding in the construction of railroads, and other works of internal improvement.

Chapter 100, Laws of 1872, as amended, for the government of cities of the second class.

Chapter 142, Laws of 1872, relating to liens on personal property.

Chapter 193, Laws of 1872, providing for the regulation of the running at large of animals.

Chapter 206, Laws of 1872, relating to the construction and maintenance of warehouses, elevators, and granaries.

Chapter 208, Laws of 1872, authorizing cities to construct water works.

Chapter 89, Laws of 1873, for the protection of prairies from incursions by fire.

Chapter 46, Laws of 1874, as amended, to incorporate and regulate cities of the first class.

Chapter 51, Laws of 1874, to regulate and govern the letting of prison labor.

Chapter 8, laws passed at extra session of 1874, as amended, providing for the examination of county treasuries, and the publication of statement showing their condition.

Chapter 115, Laws of 1875, providing for the safety of persons employed in coal mines.

Chapter 122, Laws of 1875, providing for the removal of public officers who are guilty of being intoxicated, or of gambling.

Chapter 102, Laws of 1876, authorizing and regulating arbitration.

Chapters 106 and 107, as amended, Laws of 1876, to enable counties, towns and cities to extend aid in the construction of railroads.

Chapters 108 and 111, Laws of 1876, regulating procedure in the foreclosure of mortgages upon railroads.

Chapter 117, Laws of 1877, providing for the appointment of a commissioner of fisheries, and the protection of fish.

Chapter 118, Laws of 1877, "An act for the protection of birds," except section 3 thereof, which has been declared by the Supreme Court to be unconstitutional.

Chapter 127, Laws of 1877, relating to the survey of coal mines.

Chapter 208, Laws of 1877, regulating weights and measures.

The following chapters of the General Statutes of 1868 have been revised by us, and are in print, ready for the action of the Legislature:

Chapter 24, "An act defining the boundaries of counties."

Also the separate act relating to the organization of new counties, and to the county seat of each county.

Chapter 25, in relation to counties and county officers.

Chapters 31, 44, 82 and 83 are revised in one act relating to public offices.

Chapter 53, relating to county jails.

Chapter 79, relating to the poor.

Also, an act to provide for inquests upon dead bodies—a substitute for sections 120 to 134 of chapter 25, General Statutes.

Chapter 102, relating to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State.

The following acts have also been revised and printed, ready for the action of the Legislature:

Chapter 112 of the Laws of 1870, in relation to the State Library.

Chapter 34 of the Laws of 1876, to provide for the assessment and collection of taxes.

Chapter 131 of the Laws of 1876, relating to the State Land Office, and providing for its government.

Chapter 132 of the Laws of 1876, relating to public printing, and fixing the prices thereof.

Also, an act in relation to the State Historical Society.

Also, an act relating to liens of mechanics and others, and regulating proceedings to enforce the same. (In place of chapter 97, Laws of 1871, and chapter 141, Laws of 1872.)

Chapter 80, of the General Statutes of 1868: the civil procedure act has been revised, and is nearly all printed; the printing will be completed within two or three days. So much of this act as relates to orders and proceedings in attachment and replevin, constitute separate chapters, to avoid duplicating the same provisions in the justices' act.

Chapter 81, the justices' act, or civil procedure before justices, is revised, and will be printed within the present week.

Chapters 113 and 118, relating to certain trespasses, and to



woods, marshes and prairies, are revised in one act, and is in the hands of the State Printer. Also, an act relating to agricultural organizations, and defining the powers and duties thereof, in the hands of the State Printer.

Chapter 22, relating to conveyances, is revised, and to be printed.

Chapter 23, in relation to corporations, is revised, and to be printed.

Chapter 35, in relation to dramshops, is revised, and to be printed.

Chapter 39, in regard to fees and salaries, is to be revised and printed. It is difficult to determine what changes shall be made in this act, until we know what part of the county and county officers act, as revised, shall be adopted by the Legislature.

Chapter 86, relating to registration, is revised, and to be printed.

Chapter 92, in regard to common schools, revised, and about ready for the printer.

Chapter 16, relating to building bridges, revised, and to be printed.

Chapter 23, in relation to corporations, revised, and to be printed.

Chapter 105, to be revised.

Chapter 110, relating to townships and township officers, revised, and to be printed.

The above acts recommended to be changed are all we deem it necessary to revise. It cannot be of any advantage to the State to revise all the laws, or put the State to the expense of reprinting, enrolling, or enacting over again such statutes as do not need any changes, or require very slight changes only.

When it shall be determined what laws now in force shall remain, as well as what new acts shall be passed at the present session of the Legislature, and which it will be necessary to embody in the published volume, an act can be prepared in place of chapter 119 of the General Statutes of 1868, designating the laws to be published in the new volume. It could not now be prepared, for obvious reasons.

The acts which we have revised, and which are not yet printed,

can be printed and ready for action by the Legislature within a week or ten days.

The chapters already printed as revised are in the hands of the Secretary of State, and ready for such action as the Legislature may take thereon.

B. F. SIMPSON,

*Chairman Board of Revisers.*

February 10, 1879.

On motion of Mr. Biddle, the report was ordered printed and referred to the Committee on Revision of Laws.

Mr. Eastman moved that the House non-concur in Senate concurrent resolution No. 17, providing for joint committee for investigation of frauds in the Senatorial election.

Upon which Mr. Riggs moved the previous question.

Mr. Biddle raised the point of order that the motion was not in order.

The Speaker decided that the point of order was not well taken.

The question being, Shall the main question be now put? the motion prevailed.

Mr. Legate moved that the House do now adjourn.

The Speaker declared the motion out of order.

The question being on non-concurring, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 66; nays, 55; not voting, 8.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Norton, Helmick, Henderson, Hodge, Huffaker, Hutchison, Kelley, Kennedy, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunning-

ham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hankins, Hewins, Hossack, Humes, James of Shawnee, Keller, Kollock, Lawson, Legate, Leonard, Manning, McCrumb, Myers, Price, Richards, Robb, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Hartshorne, James of Wyandotte, Rood, Smith of Bourbon, Walker, and Willey.

Messrs. Alexander and Congdon were paired.

And so the House refused to concur in the resolution.

Mr. Humes moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

## TWENTY-FIRST DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 12, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Baker, Ballard, Barrackman, Beaty, Berry, Biddle, Bissell, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, Keller, Kelley, Kennedy, Kollock, Lawson, Leonard, Loy, Manning, Martin of Labette, McClintick, McCrumb, McMillen, Moore, Morgan, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Shaw, Smith of Marshall, Spilman, Stum-

baugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Barber, Bevins, Bishop, Blackman, Boggs, Brinkman, Brown, Congdon, Cunningham, Eckles, Gable (Frank M.), Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hossack, Huffaker, Humes, James of Wyandotte, Legate, Majors, Martin of Kingman, Martin of Miami, McKay, Miller, Myers, Riggs, Seaton, Selover, Smith of Bourbon, Stewart, Stitt, Wait of Lincoln, Watson, and Woodard.

On motion, leave of absence was granted to Messrs. Barber, Boggs, Humes, and Raybell, on account of sickness.

The journal of yesterday was read, and approved.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Donahue: Petition of R. R. Moore and 118 others, asking for an appropriation for the Northeastern Normal School of Pardee. Referred to Committee on Ways and Means.

By Mr. Rice: Petition of 44 citizens of Stewart township, Miami county, Kansas, praying that the dramshop act be amended so as to conform to the late message of Governor St. John. Referred to Committee on Temperance.

By Mr. Stewart: Petition of J. Paulson and others, of Fort Scott, in favor of a prohibition. Referred to Committee on Temperance.

By Mr. Moore: Petition to enable Trustee of White Rock township, Republic county, to appropriate certain moneys for the building of a certain bridge. Referred to Committee on Roads and Highways.

By Mr. Alexander: Petition for damage, of D. Boyant, sustained in the erection of the State House. Referred to the Committee on Claims.

By Mr. Hamilton, of Marshall: Petition of John C. O'Neil and 60 others, praying that all section lines be declared highways, in Marshall county. Referred to Committee on Roads and Highways.

By Mr. Walker: Petition of D. V. Sprague and 62 others,

praying for such legislation as is necessary to procure right of way to ditch in certain cases, and ask that the Committee on Judiciary prepare a bill to that effect. Referred to Committee on Judiciary.

By consent, Mr. Butts offered the following resolution:

*Resolved*, That the Committee on County Lines and County Seats be allowed a clerk.

The motion prevailed, and the resolution was adopted.

Mr. Legate moved that the Docket Clerk be instructed to place no bill on the calendar unfavorably reported upon, unless so directed by the House. The motion prevailed.

Mr. Biddle moved a reconsideration of the vote by which the foregoing resolution was adopted.

The motion to reconsider prevailed; whereupon, by consent, Mr. Legate withdrew the resolution.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Eckles: House bill No. 272, An act regulating the sale of poison.

By Mr. Callen: House bill No. 273, An act to create a State board of school text-books, and to authorize the Superintendent of Public Instruction to purchase text-books for the public schools of the State.

By Mr. Moore: House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge.

By Mr. Miller: House bill No. 275, An act making appropriation for Leavenworth State Normal School for the fiscal years ending June 30, 1880, and June 30, 1881.

By Mr. Faulkner: House bill No. 276, An act to provide for the taxation of State Normal School lands when sold.

By Mr. Fisler: House bill No. 277, An act to validate the election held in Harper county on the 5th day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county.

By Mr. Brinkman: House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act, entitled 'An act to provide for the building of



bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund.”

By Mr. Randolph: House bill No. 279, An act regarding the distribution and sale of Supreme Court Reports.

By Mr. Games: House bill No. 280, An act to amend chapter 39 of Laws of 1874, being “An act to issue bonds to build bridges, and other works of internal improvement.”

By Mr. Waite, of Pawnee: House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

By Mr. Hamilton, of Norton: House bill No. 282, An act to dissolve the organization of a county therein named.

By Mr. Biddle: House bill No. 283, An act for the relief of J. M. Hawthorne, late Captain Company M, Fourth Regiment, Kansas State Militia.

By Mr. Walker: House bill No. 284, An act to donate ten thousand dollars to the St. Mary’s College.

By Mr. Boggs: House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness.

House bill No. 286, An act conferring the rights of majority on Eugene W. Goff, of Rooks county, Kansas.

By Mr. James, of Shawnee: House bill No. 287, An act to amend an act entitled “An act to incorporate cities of the second class,” as amended, section 1, chapter 71, approved February 25, 1875.

By Mr. Wilson, of Jackson: House bill No. 288, An act relating to hedge fences along lines of public highways.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read a second time, and referred as follows:

##### *To the Committee of the Whole House.*

Substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness.

*To the Committee on Roads and Highways:*

Senate bill No. 38, An act authorizing townships in Lynn county to vote bonds for the purpose of repairing roads and bridges in said Lynn county.

On motion of Mr. Callen, the rules were suspended, and all bills introduced to-day and read the first time were read a second time, and referred.

*To the Committee on Judiciary.*

House bill No. 272, An act regulating the sale of poison.

House bill No. 277, An act to validate the election held in Harper county on the 5th day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county.

House bill No. 282, An act to dissolve the organization of a county therein named.

House bill No. 286, An act conferring the rights of majority on Eugene W. Goff, of Rooks county.

*To the Committee on Education:*

House bill No. 273, An act to create a State board on school text-books—an act to authorize the Superintendent of Public Instruction to purchase text-books for the public schools of the State.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

*To the Committee on Roads and Highways:*

House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge.

House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to provide for the building of bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund.'"

House bill No. 280, An act to amend chapter 39 of the Laws of 1874, being an act to issue bonds to build bridges and other internal improvements.

*To the Committee on Ways and Means:*

House bill No. 275, An act making appropriation for Leavenworth State Normal School for the fiscal years ending June 30, 1880, and June 30, 1881.

House bill No. 284, An act to donate \$10,000 to St. Mary's College.

*To the Committee on Assessment and Taxation:*

House bill No. 276, An act to provide for taxation of State Normal School lands when sold.

*To the Committee on State Library:*

House bill No. 279, An act regarding the distribution and sale of the Supreme Court Reports.

*To the Committee on Claims:*

House bill No. 283, An act for the relief of J. M. Hawthorne, late Captain Company M, Fourth Regiment, Kansas State Militia.

*To the Committee on Finance:*

House bill No 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness.

## REPORTS OF STANDING COMMITTEES.

Mr. Robb, chairman of the Committee on Claims, submitted the following report:

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas by the Indian raid of 1878, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be passed.

JAMES ROBB, *Chairman.*

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 12, An act relating to a special election held in Anderson county, September 14, 1871, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman.*

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 233, An act to authorize James A. Gilbert to build a mill-dam across Lyon creek, in Dickinson county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Internal Improvements.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 251, An act to amend section 1 of chapter 78 of the Laws of 1876, it being "An act relating to counties and county officers," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 252, An act to amend section 5, chapter 105, of General Statutes of 1868, relating to stock, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 268, An act supplemental to an act defining crimes and punishments, being entitled "Offenses against property," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Criminal Jurisprudence.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 228, An act for the relief of E. D. Rose, of Jackson county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with

the recommendation that it be referred to Committee on Ways and Means.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain funds, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Education.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of the surplus funds to the construction of a railroad, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 271, An act declaring section lines in Marshall county public highways, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Roads and Highways.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 246, An act to amend section 13 of chapter 16 of the general laws of 1868, being "An act to provide for the building of bridges," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Roads and Highways.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House joint resolution No. 5, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors, by adding section 10 to said article, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Temperence.

S. A. RIGGS, *Chairman*.



By consent, the reference recommended by the Committee on Judiciary was made.

Mr. Blackman, chairman of the Committee on Education, submitted the following reports:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county receive its proportion of the annual school fund of 1879, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman.*

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 212, An act to amend section 28 of article 4 of chapter 122 of Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the substitute herewith submitted be passed.

J. A. BLACKMAN, *Chairman.*

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river in Norton county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman.*

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman.*

Mr. Hewins, chairman of the Committee on Militia, submitted the following reports:

MR. SPEAKER: Your Committee on Militia, to whom was referred House bill No. 234, An act making an appropriation for

a military contingent fund, and to provide for a patrol guard on the frontier, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and that it be referred to the Committee on Ways and Means. E. M. HEWINS, *Chairman*.

By consent, the bill was so referred.

MR. SPEAKER: Your Committee on Militia, to whom was referred a petition from the citizens of Barbour and Comanche counties, praying for arms to defend themselves against Indian invasions, have had the same under consideration, and instruct me to report that they have reported favorably on House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier—which covers the matter in said petition.

E. M. HEWINS, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 140, An act to amend section 76, article 11, and section 79, article 12 of chapter 34 of an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 197, An act making township trustees *ex-officio* collectors of delinquent personal property tax, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed. JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 167, An act to legalize certain collections of taxes and redemptions from tax sales made by the City Treasurer of Leavenworth city and County Treasurer of Leavenworth county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 154, An act to amend section 1 of chapter 38 of the Session Laws of 1877, in relation to the payment of taxes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

JOHN S. GILMORE, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following report:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 220, An act to amend section 1, chapter 67, Laws of 1877, being "An act authorizing a bounty on wolf, coyote, wild-cat, fox and rabbit scalps," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

J. W. LOY, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate concurred in House concurrent resolution No. 29, memorializing our Representatives in Congress to urge the passage of a bill providing for a resurvey of the old Fort Larned military reservation.

HENRY BRANDLEY, *Secretary*.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor, by his Private Secretary, Mr. Ward:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that substitute for House bill No. 72, being "An act defining the term of duration and existence of certain railroad corporations," has this day been approved.

JOHN P. ST. JOHN, *Governor*.

#### EXECUTIVE DEPARTMENT,

TOPEKA, KAS., Feb. 11, 1879.

Also, the following in reference to the Kansas State Horticultural Society:

TO THE LEGISLATURE: I desire to bring to your notice the subject of horticulture, which I had intended to have presented in my biennial message, but by accident it was omitted.

The Kansas State Horticultural Society was incorporated on the 15th day of December, 1869, since which time the society has held semi-annual meetings in various portions of the State, and published, annually, a full report of its proceedings.

The last report, being for the year 1877, I herewith transmit for your consideration. The meetings of this society have been held without material aid from the State, for the very laudable purpose of disseminating knowledge upon the subject of horticulture among the citizens of our State.

It is a matter of which we have reason to be proud, that through the labors of this society Kansas has been placed at the head of the fruit-growing States of the Union.

In view of the fact that the work of this society is for the benefit of Kansas, and that the horticultural interests through its efforts have grown to great magnitude, and that it is not just to expect the members of this society to continue this work at their own individual expense, I respectfully suggest that the State can not afford to neglect this interest, or withhold its fostering care; and therefore earnestly recommend that a sufficient appropriation be made to pay for printing and distributing the reports of the society, and to defray its incidental expenses for the fiscal years ending June 30, 1880, and June 30, 1881.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,  
TOPEKA, KAS., Feb. 11, 1879.

On motion of Mr. Biddle, it was ordered printed.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Bruner offered the following resolution:

*Resolved*, That the hours of meeting each day, for this House, shall be 10 o'clock A. M. and 2 o'clock P. M., until otherwise ordered.

Mr. Anderson, of Cherokee, moved that the rules be suspended, and the resolution be adopted. The motion did not prevail.

Mr. James, of Wyandotte, offered the following resolution, and moved its adoption:

*Resolved*, That bills of a local character, reported upon favorably by committee, be made the special order for to-morrow evening, February 13, at 7 o'clock, and that they be considered in the order they are upon the calendar.

The motion prevailed, and the resolution was adopted.

Mr. Rice offered the following resolution, and moved its adoption:

*Resolved*, That the Committee on Charitable Institutions be instructed to inquire into the necessity of bringing in a bill providing for the separate care and maintenance of the convict insane.

The motion prevailed, and the resolution was adopted.

Mr. Anderson, of Shawnee, offered House concurrent resolution No. 30, instructing our Senators and requesting our Representatives in Congress to vote against the Texas Pacific Railroad subsidy. Laid over under the rules.

Mr. Bronson offered the following resolution, and moved its adoption:

*Resolved*, That the Committee on Educational Institutions be directed by the House to visit the institutions, and report to this House the results of their examination and investigation. The motion prevailed.

By consent, Mr. James, of Shawnee, introduced House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class," as amended, section 1, chapter 71, approved February 25, 1875.

The rules were suspended, and the bill read the first and second time, and referred to the Committee on Municipal Corporations.

By consent, Mr. Wilson, of Jackson, introduced House bill No. 288, An act relating to hedge fences along lines of public highways.

The rules were suspended, and the bill was read the first and second time, and referred to the Committee on Roads and Highways.

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 24, asking Congress to donate the U. S. military reservation known as Fort Riley to the State, for the purpose of erecting State Capitol buildings thereon, was taken up.

Mr. Manning moved that it be indefinitely postponed.

Mr. Callen moved its reference to the Committee on Federal Relations, which motion prevailed.



House concurrent resolution No. 25, memorializing Congress to make the office of Commissioner of Agriculture for the United States a Cabinet position, was read.

Mr. Manning moved that the resolution be referred to the Committee on Federal Relations. The motion prevailed.

House concurrent resolution No. 26, providing for the appointment of a committee to report upon the earnings and expenditures of Kansas railroads, was taken up.

Mr. Greever moved that it be referred to the Committee on Roads and Highways.

Mr. Donahue moved its reference to the Committee on Railroads.

Mr. Callen moved as an amendment to the amendment that the resolution be adopted. The motion did not prevail.

The question being on the motion to refer to the Committee on Railroads, the motion prevailed.

House concurrent resolution No. 28, memorializing the Congress of the United States to amend the pension and bounty laws of the United States, was taken up and read.

Mr. Callen moved its reference to the Committee on Federal Relations. The motion prevailed.

The resolution relating to the depredations committed by the Cheyenne Indians, and instructing the committee on State Affairs to inquire into and report, was taken up.

Mr. Biddle moved its adoption.

By consent, the resolution was amended by inserting the word "adequate" before the word "action."

Mr. Hall moved that its further consideration be postponed until to-morrow, and that it be printed.

Mr. Baker offered the following resolution, which was declared out of order:

*Whereas*, That inasmuch as a band of Indians passed through the western part of the State, committing murders and plunder, in the fall of 1878: therefore, be it

*Resolved*, That the western counties be authorized to organize companies, and they be furnished with arms and ammunition, with authority to defend themselves from murder and depredations.

The motion to postpone prevailed.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate joint resolution No. 2, amending section 1, of article 11, of the constitution of the State of Kansas, relating to property exempt from taxation.

HENRY BRANDLEY, *Secretary*.

The resolution offered yesterday, providing for the employment of a clerk for the Committee on Temperance, was adopted.

The resolution authorizing the Sergeant-at-Arms to employ assistants was taken up.

Mr. Stumbaugh offered the following substitute:

*Resolved*, That the Speaker, on the recommendation of the Sergeant-at-Arms, be and is hereby authorized and instructed to appoint two assistants to aid the Sergeant-at-Arms in the discharge of his duties—said assistants to be employed on behalf of the committee on investigation during its sessions, and perform such other duties as the Speaker may direct.

Mr. Anderson, of Cherokee, moved to amend the substitute, by striking out "two," and inserting "one."

The amendment to the substitute prevailed.

Mr. Stumbaugh moved to strike out that portion which designates the service of the assistants.

The motion prevailed, and the substitute as amended was adopted.

The following resolution, offered by Mr. Biddle, was taken up:

*Whereas*, The assessment of personal property for the year 1878, for Atchison county, is \$881,330; Leavenworth, \$1,268,993; Shawnee, \$1,496,779; Douglas, \$1,459,009; Bourbon, \$969,309; Linn, \$963,378; Lyon, \$1,030,217; Johnson, \$967,709; Miami, \$1,163,608; and Brown, 929,710, which assessments show beyond doubt that the provisions of the constitution, which provides that "the Legislature shall provide for a uniform and equal rate of assessment and taxation," has not been complied with, and cannot be complied with under existing laws; and

*Whereas*, The assessment above referred to and others fully demonstrates that the rate of assessment and taxation is not equal: therefore, be it

*Resolved*, That the Committee on Assessment and Taxation

inquire into the matter stated in the preamble herein, and report the facts to the House, with such recommendations by bill, or otherwise, as in their judgment will more fully equalize the assessment in the several counties in the State.

Mr. Legate moved its reference to the Committee on Assessment and Taxation. The motion did not prevail.

The question being on the adoption of the resolution, the resolution was adopted.

The following resolution offered by Mr. Martin, of Labette, yesterday, was taken up:

*Resolved*, That House bill No. 116 be taken from the calendar, and re-referred to the Committee on Judiciary, that parties may be heard in its behalf.

House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, was so referred.

The resolution relating to the investigation of the Senatorial election, offered by Mr. Legate on a previous day, was taken up.

Mr. Stumbaugh offered the following substitute:

*Resolved*, That the committee on investigation be and they are hereby authorized and instructed as follows, viz: That whenever in the progress of their investigation any testimony shall have been offered, and taken by said committee, affecting the honor or integrity of any member of this House, or any of the late Senatorial candidates, such member or candidate shall be notified, and shall be permitted to appear in person and defend against, to the end that the facts may be made known, and justice be done in the premises.

And upon that moved the previous question. The question being, Shall the main question be now put? the motion prevailed.

The question recurring on the adoption of the substitute, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 75; nays, 46; not voting, 8.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Baker, Bevins, Bishop, Bissell, Brinkman, Bull, Butts, Callen, Clapp, Clogston, Congdon, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Wyandotte, Kelly, Kennedy, Loy, Majors, Man-

ning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Walker, Watson, White, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Ballard, Biddle, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hewins, Hossack, James of Shawnee, Keller, Kollock, Lawson, Legate, Leonard, McCrumb, Myers, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Tucker, Waite of Pawnee, Willey, Wilson of Jackson, Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barber, Boggs, Hartshorne, Humes, Price, Raybell, and Smith of Bourbon.

And so the substitute was adopted.

By unanimous consent, the resolution was amended so as to insert after the words, "members of this House," "or any of the late Senatorial candidates."

Mr. Hamilton, of Marshall, moved that the special order on House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law, be postponed until next Saturday at 3 o'clock P. M. The motion prevailed.

#### COMMUNICATION FROM STATE OFFICER.

The Speaker submitted the following communication :

KANSAS STATE HISTORICAL SOCIETY, }  
TOPEKA, February 12, 1879. }

*Hon. Sidney Clarke, Speaker of the House of Representatives:*

DEAR SIR: Will you be kind enough to mention, or have it mentioned, to the members of the House, that Rev. Mr. Irving, a resident of Kansas since 1837, will lecture this evening before the State Historical Society, at the Presbyterian church, upon a subject of early Kansas history, and that the members are respectfully invited to attend.

Very respectfully, F. G. ADAMS, *Secretary.*

## APPOINTMENTS.

The Speaker made the following announcement:

By virtue of the authority vested in me by the House, I hereby appoint J. H. Hibbetts clerk for the Committee on Temperance.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Hibbetts came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Temperance of the House of Representatives to the best of my ability.

So help me God. (Signed) J. H. HIBBETTS.

Sworn and subscribed to before me, this 12th day of February, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

On motion of Mr. Anderson, of Shawnee, the House, at the hour of 6 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

TWENTY-SECOND DAY.

---

MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 13, 1879. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Alexander, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Danhaur, Donahue, Eastland,



Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Hutchison, Keller, Kollock, Lawson, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Bevins, Bishop, Boggs, Callen, Clapp, Cunningham, Gable (Frank M.), Gilmore, Greever, Greiffenstein, Henderson, Hossack, Humes, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Legate, Majors, Manning, McClintick, Moore, Price, Sallee, Seaton, Selover, Stitt, Tucker, Waite of Pawnee, Wilson of Jackson, and Woodard.

Leave of absence was granted to Messrs. Humes, Kennedy, Selover, and Jenness, Doorkeeper, on account of sickness, and to Mr. Bishop, until Monday next.

The journal of yesterday was read, and approved.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred:

By Mr. Eckles: Petition of S. J. Smith and 46 others, citizens of Rice county, praying for a law regulating freight rates for railroads in this State. Referred to Committee on Railroads.

By Mr. Fisler: Petition from the Commissioners and electors of Harper county, Kansas, praying to have the vote of November 5th, 1878, locating the county seat at Anthony, legalized. Referred to the Committee on County Lines and County Seats.

By Mr. Manning: Petition of T. B. Myers and 1,284 other citizens of Cowley county, asking for an amendment to the dram-shop act, in accordance with the recommendations in the Governor's message. Referred to the Committee on Temperance.

By Mr. Callen: Petition from residents of Dickinson county, asking to go to Davis county. Referred to Committee on County Lines and County Seats.

By Mr. Brinkman: Petition of 80 citizens of Stafford county,

praying to be set into Pratt county. Referred to Committee on County Lines and County Seats.

By Mr. Anderson, of Cherokee: Petition of G. G. Gregg and 82 others, asking an appropriation of \$2,500 to the Neutral Land Executive Committee, to aid in testing the title of the Gulf Railroad Company to the Cherokee neutral lands. Referred to the Committee on Ways and Means.

By Mr. Wilson, of Jackson: Petition from David Todd and 184 others, to regulate dramshops. Referred to Committee on Temperance.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Wright: House bill No. 289, An act for the relief of Ford county, Kansas, and to make an appropriation to pay the costs in certain criminal cases.

House bill No. 290, An act authorizing School District No. 1, Ford county, Kansas, to vote bonds for the erection of a school house, and furnishing the same.

By Mr. Anderson, of Shawnee: House bill No. 291, An act to regulate the price of patented farm machinery, and to suppress the extortions practiced by monopolies of the same.

House bill No. 292, An act to regulate the price of farm produce, and for other purposes.

House bill No. 293, An act to amend an act, entitled "An act in relation to roads and highways," approved March 7, 1874.

By Mr. Randolph: House bill No. 294, An act making an appropriation for certain expenses incurred by the State, in the case of the State against Charles G. Scrafford, charged with forgery.

By Mr. Tucker: House bill No. 295, An act to amend section 6 of article 3 of the act relating to common schools, approved March 4, 1876.

By Mr. Armstrong: House bill No. 296, An act regulating the time of holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools.

By Mr. Bower: House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge.

By Mr. Prunty: House bill No. 298, An act to vacate a part

of the streets and alleys in the town of Belon, Pottawatomie county.

By Mr. Wilson, of Jackson: House bill No. 299, An act relating to distribution of school fund in townships herein specified.

By Mr. Bruner: House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny.

By Mr. Biddle: House bill No. 301, An act to restrain vagrancy and common beggary.

By Mr. Hall: House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas.

#### SECOND READING AND REFERENCE OF BILLS.

The following bill was read the second time, and referred to the committee of the whole House:

Substitute for House bill No. 220, An act to amend section 1, chapter 76, Laws of 1877, being "An act authorizing a bounty on wolf, coyote, wild-cat, fox, and rabbit scalps."

#### REPORTS OF STANDING COMMITTEES.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 192, An act to protect crops from chickens, ducks, and other fowls, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 180, An act providing for the drain-

age of swamp bottoms and other low lands, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with slight amendments.

J. W. LOY, *Chairman*.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following report:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 70, An act defining the boundary of Kingman county, have had the same under consideration, and instruct me to report the bill back to the House and recommend that the following substitute, "An act defining the boundaries of Kingman and Harper counties," be passed.

W. C. BUTTS, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 104, An act to enable Johnson county to take up and cancel the bonds of said county heretofore issued to the Kansas & Neosho Valley Railroad Company, and the St. Louis, Lawrence & Denver Railroad Company, by issuing bonds in lieu, have had the same under consideration, and a majority instruct me to report the accompanying substitute back to the House with the recommendation that it be passed.

E. C. MANNING, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your committee on Assessment and Taxation, to whom was referred House bill No. 276, An act to provide for the taxation of the State Normal School lands when sold, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

Mr. Calvin, chairman of Committee on Temperance, submitted the following reports:

MR. SPEAKER: Your Committee on Temperance, to whom was referred House joint resolution No. 5, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors,

by adding section 10 to said article, have had the same under consideration, and instruct me to report the joint resolution back to the House with the recommendation that it be passed.

T. J. CALVIN, *Chairman*.

MR. SPEAKER: Your Committee on Temperance, to whom was referred House bill No. 86, An act to amend section 1, chapter 35 of the statutes of 1868, relating to the sale of intoxicating liquors, and House bill No. 188, An act amendatory and supplemental to an act entitled "An act to restrain dramshops and taverns, and regulate the sale of intoxicating liquors," have had the same under consideration, and instruct me to report the bills back to the House with the recommendation that the substitute herewith be passed.

T. J. CALVIN, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 262, An act to detach the county of Chase from the Ninth Judicial District, and attach it to the Fifth Judicial District, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Apportionment.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 261, An act creating the Seventeenth Judicial District, to provide a Judge therefor, and for holding terms of court therein, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Apportionment.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 260, An act to define the boundary of the Thirteenth Judicial District, and for holding terms of court therein, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Apportionment.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 245, An act to create the office of county



assessor, to prescribe the duties thereof, and to repeal all acts and parts of acts in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Assessment and Taxation.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 238, An act to provide for the distribution of taxes upon railroads receiving aid from townships among the different wards and school districts in such townships, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute therefor be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 232, An act to amend section 13, chapter 16, of the Laws of 1868, being "An act to provide for the building of bridges," approved February 22, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Roads and Highways.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 249, An act for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad corporations, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 231, An act to repeal section 5 of chapter 44 of the Laws of 1868, being "An act relating to fugitives from justice," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

By consent, the recommendations of the committee as to reference of bills were adopted.

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to

whom was referred House bill No. 271, An act declaring section lines in Marshall county public highways, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended, by striking out the word "fifty," in line 19 of section 2, and inserting the word "forty," and inserting the attached amendment after the word "evidence," in line 24 of section 2.

FRANK M. GABLE, *Chairman*.

Mr. Kennedy, chairman of the Committee on Elections, submitted the following reports:

MR. SPEAKER: Your Committee on Elections, to whom was referred House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers, substitute for House bill No. 230, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. B. KENNEDY, *Chairman*.

MR. SPEAKER: Your Committee on Elections, to whom was referred House bill No. 149, An act to provide for and regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. B. KENNEDY, *Chairman*.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following report:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 35, An act making appropriation for the erection of additional buildings for the Insane Asylum at Osawatomie, and for the completion of the present buildings, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute from the Committee on Ways and Means be passed.

C. E. FAULKNER, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following report:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 266, An act to repeal sections

1, 2 and 3 of chapter 93, Laws of 1875, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

H. C. BULL, *Chairman*.

Mr. Seaton, chairman of the Committee on Manufactures, submitted the following report:

MR. SPEAKER: Your Committee on Manufactures, to whom was referred House bill No. 49, An act relating to mills and millers, and amendatory of chapter 65, General Statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be supplanted by substitute enclosed, and recommend the passage of said substitute.

JOHN SEATON, *Chairman*.

By consent, House bill No. 302 was read a second time, and referred to the Committee on Judiciary.

#### HAFER vs. ROOD.

Mr. Armstrong moved that the report of the Committee on Elections on the contest of Hafer vs. Rood be adopted.

Mr. Biddle moved that the report be amended by striking out the words "mileage and."

Mr. Albin moved to amend the amendment by striking out the last paragraph.

The amendment to the amendment did not prevail.

Mr. Biddle withdrew his amendment, and offered the following resolution as a substitute for the report:

*Resolved*, That J. P. Rood, the setting member from the Forty-ninth Representative District, be and is hereby declared the legally elected Representative from such district; and,

*Resolved further*, That T. L. Hafer, the contestant, be and he is hereby allowed mileage and per diem from the first day of the term to and including February 13, 1879, the same as members elect are entitled to.

Mr. Sallee moved as an amendment that the contest be re-referred to the Committee on Elections with power to take additional evidence.

Mr. Legate moved the previous question. The motion prevailed.

The question recurring on the amendment to the resolution, the amendment was not adopted.

The question being on the resolution offered by Mr. Biddle, Mr. Hall demanded a division of the question, and the question being on the first resolution, it was adopted.

The question then being on the adoption of the second resolution, the resolution was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted Senate concurrent resolution No. 18, in relation to federal jurisprudence.

And has also passed the following bills:

Senate bill No. 95, An act changing the boundary lines between Osage and Franklin counties.

Senate bill No. 8, An act to organize and regulate the Insane Asylums of the State, and repealing chapter 9 of the General Statutes of 1868.

Senate bill No. 1, An act to enable the county of Atchison to compromise and re-fund its bonded indebtedness.

Senate bill No. 3, An act to amend chapter 16, General Statutes, in relation to bridges.

Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane.

Senate bill No. 27, An act to refund to R. T. Snediker the sum of \$45.60, erroneously paid on purchase of school land.

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868.

HENRY BRANDLEY, *Secretary*.

Senate concurrent resolution No. 18, in relation to federal jurisprudence, was taken up.

Mr. Smith, of Marshall, moved that the rules be suspended, and the resolution be considered now, and concurred in. The motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE SENATE.

The following Senate bills were read the first time:

Senate bill No. 1, An act to enable the county of Atchison to compromise and re-fund its bonded indebtedness.

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868.

Senate bill No. 3, An act to amend chapter 16, General Statutes, in relation to bridges.

Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane.

#### SECOND READING AND REFERENCE OF BILLS.

Mr. Donahue moved that the rules be suspended, and House and Senate bills introduced to-day be read the second time, and referred. The motion prevailed.

Thereupon the following bills were read the second time, and referred to committees, as follows:

##### *To the Committee on Judiciary:*

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas.

##### *To the Committee on Agriculture:*

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868.

##### *To the Committee on Charitable Institutions:*

Senate bill No. 8, An act to organize and regulate the Insane Asylums of the State, and repealing chapter 9 of the General Statutes of 1868.

Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane.

##### *To the Committee on County Lines and County Seats:*

Senate bill No. 95, An act changing the boundary line between Osage and Franklin counties.



*To the Committee on Claims:*

Substitute for Senate bill No. 95, An act for the relief of Ford county, Kansas, and to make an appropriation to pay the costs in certain criminal cases.

*To the Committee on Charitable Institutions:*

Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane.

*To the Committee on Education:*

House bill No. 290, An act authorizing School District No. 1, Ford county, Kansas, to vote bonds for the erection of a school house, and furnishing the same.

House bill No. 299, An act relating to distribution of school fund in townships herein specified.

House bill No. 295, An to amend section 6 of article 3 of the act relating to common schools, approved March 4, 1876.

House bill No. 296, An act regulating the time of holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools.

*To the Committee on Public Buildings and Grounds:*

House bill No. 292, An act to regulate the price of farm produce, and for other purposes.

*To the Committee on Federal Relations:*

House bill No. 291, An act to regulate the price of patented farm machinery, and to suppress the extortions practiced by monopolies of the same.

House bill No. 301, An act to restrain vagrancy and common beggary.

*To the Committee on Roads and Highways:*

House bill No. 293, An act to amend an act entitled "An act in relation to roads and highways," approved March 7, 1874.

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge.

*To the Committee on Ways and Means:*

House bill No. 294, An act making an appropriation for certain expenses incurred by the State, in the case of the State against Charles G. Scrafford, charged with forgery.

*To the Committee on Municipal Corporations:*

House bill No. 298, An act to vacate a part of the streets and alleys in the town of Belon, Pottawatomie county.

By consent, Senate bill No. 1, An act to enable the county of Atchison to compromise and re-fund its bonded indebtedness, was referred to the committee of the whole House.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, asked permission to report substitute for House bill No. 38.

Consent was granted, and by consent it was referred to the committee of the whole House.

By consent, Mr. Armstrong introduced House bill No. 303, An act vacating certain farming lands in Wyandotte city, which was read the first time.

By consent, the rules were suspended, the bill read a second time, and referred to the Committee on Municipal Corporations.

Mr. Legate asked, and was granted unanimous consent, to offer the following resolution:

*Whereas*, A written contract was entered into October 3, A. D. 1877, between the State of Kansas and S. J. Crawford, to prosecute claims of the State of Kansas against the United States, and it was agreed in that contract, as the act under which the contract was made permitted, to give said agent ten per cent. of all lands and money which he might obtain. Among other lands, said agent has or is about to obtain lands for the State, which, when obtained, will belong to the permanent school fund of the State; and as there is a doubt as to the power to convey the ten per centum of said lands so pledged as a fee under said contract: therefore, be it

*Resolved*, That the Attorney General be requested to give his opinion on the question, Can the State of Kansas give a valid title to the school lands acquired in pursuance of the contract above referred to (ten per cent. of the land as fee), and without placing the equivalent in value out of the general fund of the State into the permanent school fund?

Mr. Hodge moved that the rules be suspended, and the resolution be considered now.

The motion prevailed, and the resolution was adopted.

## CLERK'S LEGISLATIVE MANUAL.

Mr. Biddle offered the following resolution:

*Resolved*, That the Chief Clerk of this House be directed to prepare and cause to be printed by the State Printer, 400 copies of a book for the use of the Legislature, to be denominated the "Clerk's Legislative Manual," which shall contain the rules of the Senate and House of Representatives, the decisions made on questions of order, and the practice, forms and proceedings of each body; such extracts from parliamentary law as are found in the works issued by the very best parliamentarians in this country; a complete directory of our present State Government; and such other information as he may deem necessary to make the book of value, and of easy and ready reference for the guidance of this and future Legislatures.

*And resolved further*, That when printed, the Secretary of State shall distribute the Manuals as follows: One copy to each member of the present Legislature, one copy to each State officer, and one copy to each of the members elected to the next Legislature, to be forwarded to them previous to the meeting of the next Legislature, and the remainder to be retained by the Secretary of State, subject to the order of the next Legislature.

Laid over under the rules.

Mr. Randolph offered a memorial, which was referred to the Committee on Ways and Means.

Mr. Sallee offered a resolution amending rule No. 30, and moved that the rules be suspended, and the resolution be considered now.

The motion did not prevail, and the resolution was laid over under the rules.

Mr. Waite, of Pawnee, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to employ another assistant.

Laid over under the rules.

Mr. Callen offered the following resolution, and moved its adoption:

*Resolved*, That the chairman of the Committee on County Lines and County Seats is hereby authorized to administer oaths to witnesses testifying before said committee.

The motion prevailed, and the resolution was adopted.

Mr. Parsons offered the following resolution, and moved its adoption:

*Resolved by the House of Representatives*, That the Committee on Temperance be requested to report, if deemed compatible with the public interest, a bill like that known as the "Moffet bell-punch law," for use in the State of Kansas.

The motion prevailed, and the resolution was adopted.

By consent, the Speaker submitted the following communication:

COLLEGE OF THE SISTERS OF BETHANY, }  
TOPEKA, KAS., February 13, 1879. }

*To the House of Representatives, Topeka, Kansas:* The President and Faculty of the College of the Sisters of Bethany will be happy to meet the members of the Legislature of the State of Kansas at a social reunion at the College building (intersection of Polk and Ninth streets), on the evening of Tuesday next, the 18th instant. The building will be open for inspection. There will be an hour of musical entertainment in the chapel. A few brief speeches will be expected, *of course*, in a gathering of legislators, after which the company will partake of some refreshments.

The members of the House of Representatives, their clerks, and other functionaries, are cordially and respectfully invited to attend.

THOMAS H. VAIL, *President College.*

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 30, instructing our Senators, and requesting our Representatives in Congress to vote against the Texas Pacific Railway subsidy, was taken up.

Mr. Anderson, of Shawnee, moved its adoption. The motion prevailed, and the resolution was unanimously adopted.

House resolution offered by Mr. Biddle on a previous day, providing for an investigation into the outrages committed by the Cheyenne Indians, was taken up.

By consent, the following amendment offered by Mr. Biddle, was adopted: Strike out the clause with reference to the Executive, and insert "that gross neglect and inefficiency in office somewhere is apparent in not," etc.

Mr. Anderson, of Cherokee, offered the following substitute, and moved its adoption:

*Whereas*, A certain band of wild Indians traversed a certain portion of the western part of this State, during September and

October, 1878, and committed many depredations and outrages : therefore, be it

*Resolved*, That the Committee on State Affairs be and they are hereby instructed to investigate this matter, and ascertain who, if any officer or person, was to blame in the premises, and to report to this House the facts as they may be able to ascertain them, and also to report to this House what can be done by the Legislature to prevent a recurrence of such outrages ; and in the performance of their duty under this resolution they are hereby authorized to employ a clerk, and send for persons and papers.

Mr. Biddle moved the previous question. The motion prevailed.

The question being on the adoption of the substitute, the substitute was not adopted.

The question recurring on the original resolution as amended, the yeas and nays were demanded and had, and the roll was called, with the following result : Yeas, 65 ; nays, 30 ; not voting, 34.

Gentlemen voting in the affirmative were : Messrs. Albin, Ballard, Barrackman, Berry, Biddle, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Cool, Corbin, Cunningham, Donahue, Eckles, Ellison, Ewing, Faulkner, Fisler, Games, Gillespie, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Henderson, Hewins, Kollock, Lawson, Manning, Martin of Labette, Martin of Miami, McClintick, McMillen, Miller, Randolph, Raybell, Rice, Riggs, Rood, Scott, Seaton, Shaw, Smith of Bourbon, Stewart, Stitt, Towle, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were : Messrs. Alexander, Anderson of Cherokee, Armstrong, Baker, Beaty, Bissell, Clogston, Eastland, Gable (Thos. P.), Gilmore, Greever, Hartshorne, Hankins, Hodge, Huffaker, Loy, Martin of Kingman, Moore, Myers, Parsons, Prunty, Robb, Sallee, Smith of Marshall, Spilman, Stumbaugh, Taylor, Tucker, White, and Woodard.

Gentlemen absent or not voting were : Messrs. Anderson of Ellsworth, Anderson of Shawnee, Barber, Bevins, Bishop, Boggs,



Briggs, Congdon, Danhaur, Eggers, Farris, Gable (Frank M.), Helmick, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Leonard, Majors, McCrumb, McKay, Morgan, Price, Rath, Richards, Selover, Tallman, Wait of Lincoln, and Walker.

And so the resolution was adopted.

Mr. Manning moved a reconsideration of the vote by which the resolution was adopted.

Mr. Biddle moved to lay the motion on the table. The motion prevailed.

The resolution offered by Mr. Bruner on a previous day, amending rules of the House, relating to the hours of meeting, was taken up.

Mr. Wait, of Linn, offered the following substitute:

*Resolved*, That the hours of meeting of this body be 1:30 o'clock P. M., and 7:30 o'clock P. M.

Mr. Legate offered the following amendment to the substitute, which was accepted: "And that no resolution, except such as relates to the business of the House, shall be considered, except on Saturday of each week." The substitute was not adopted.

The question recurring on the original resolution, Mr. James, of Wyandotte, moved that it be so amended as to provide that the rules shall prevail on and after Monday, the 17th, which was accepted.

The resolution, as so amended, prevailed.

Mr. James, of Wyandotte, moved that the special order set for to-night at 7:30 o'clock be continued until 10 o'clock A. M. to-morrow. The motion prevailed.

By consent, Mr. Boggs introduced House bill No. 304, An act to authorize the cities of Leavenworth and Lawrence, in the State of Kansas, to take up and re-fund their railroad bonded indebtedness, which was read the first and second time, and referred to the Committee on Municipal Corporations.

By consent, Mr. Morgan introduced House bill No. 305, An act to amend section 76, article 8, chapter 92, statutes of 1868, which was read the first time.

By consent, Mr. Lawson offered House concurrent resolution No. 32, instructing our Senators and Representatives to procure legislation to prevent Indian outrages on the frontier. Laid over under the rules.

Mr. James, of Wyandotte, moved that when the House adjourn, it be to 10 o'clock A. M. to-morrow. The motion prevailed.

### THIRD READING OF BILLS.

House bill No. 2, An act conferring the right of majority on Robert J. Weisbach, and certain other minors therein named, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 94; nays, 0; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Keller, Legate, Loy, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Riggs, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Barber, Barrackman, Bevins, Bishop, Boggs, Breyfohle, Briggs, Brinkman, Bronson, Eckles, Eggers, Greiffenstein, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Kollock, Lawson, Leonard, Majors, Manning, Martin of Kingman, McCrumb, Price, Raybell, Richards, Robb, Seaton, Selover, Tucker, and Walker.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the

County Attorney of Neosho county, Kansas," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result: Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Armstrong, Baker, Ballard, Beaty, Biddle, Bissell, Bower, Breyfogle, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Keller, Kollock, Lawson, Legate, Loy, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Robb, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barber, Barrackman, Berry, Bevins, Bishop, Blackman, Blanchard, Boggs, Briggs, Brinkman, Bronson, Brown, Clapp, Eastland, Gillespie, Greever, Greiffenstein, Hamilton of Marshall, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Leonard, Majors, Manning, Martin of Kingman, McCrumb, Price, Richards, Riggs, Seaton, Selover, Smith of Marshall, Tucker, and Walker.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 66, An act to amend section 321 of the code of civil procedure, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 80; nays, 4; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Arm-

strong, Ballard, Beaty, Berry, Bissell, Breyfogle, Bruner, Bull, Butts, Callen, Calvin, Clark, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Keller, Kollock, Lawson, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, Miller, Moore, Morgan, Myers, Parsons, Randolph, Raybell, Riggs, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, Watson, White, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Biddle, Cool, Gable (Thos. P.), and Wait of Linn.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barber, Barrackman, Bevins, Bishop, Blackman, Blanchard, Boggs, Bower, Briggs, Brinkman, Bronson, Brown, Clapp, Clogston, Danhaur, Gilmore, Godfrey, Henderson, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Leonard, Majors, Manning, McCrumb, McMillen, Price, Prunty, Rath, Rice, Richards, Robb, Seaton, Selover, Spilman, Tucker, Walker, Willey, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, leave of absence was granted to Mr. Hodge for the remainder of the day.

By consent, leave of absence was granted to Mr. Price.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, and certain persons therein named, of Butler county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 95; nays, 0; not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Armstrong, Ballard, Bar-



rackman, Beatty, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Huffaker, Keller, Kollock, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Baker, Barber, Berry, Bevins, Bishop, Boggs, Briggs, Brinkman, Clogston, Ewing, Hodge, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Leonard, Majors, Manning, McMillen, Price, Richards, Scott, Selover, Shaw, Stitt, Tucker, Walker, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result: Whole number of votes cast, 86; constitutional majority, 65. Yeas, 86; nays, 0; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Ellison, Ewing, Faulkner, Fisler, Gable



(Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Keller, Kollock, Lawson, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle, Wait of Lincoln, Wait of Linn, Watson, White, Willey, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Barber, Barrackman, Berry, Bevins, Bishop, Boggs, Briggs, Brinkman, Clapp, Clogston, Corbin, Eckles, Eggers, Farris, Gilmore, Godfrey, Hewins, Hodge, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Leonard, Majors, Manning, McMillen, Parsons, Price, Randolph, Rath, Richards, Selover, Taylor, Tucker, Waite of Pawnee, Walker, Wilson of Jackson, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

On motion of Mr. Gilmore, the rules were suspended, and House bill No. 257, An act making appropriation to Henry King for the payment of postage stamps, was considered engrossed, and read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 82; nays, 4; not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Beaty, Bissell, Blackman, Blanchard, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Huffaker, Kollock, Lawson, Legate, Leonard, Martin of Labette, Martin of Miami,

McKay, Miller, Moore, Myers, Prunty, Randolph, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Waite of Pawnee, Watson, White, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Callen, Hall, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Barber, Berry, Bevins, Biddle, Bishop, Boggs, Bower, Briggs, Brinkman, Clogston, Donahue, Fisler, Hodge, Hossack, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Loy, Majors, Manning, Martin of Kingman, McClintick, McCrumb, McMillen, Parsons, Price, Rath, Raybell, Richards, Selover, Towle, Tucker, Wait of Lincoln, Wait of Linn, Walker, Willey, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

On motion of Mr. Smith, of Marshall, at the hour of 6:10 P. M., the House adjourned until 10 A. M. to-morrow.

WIRT W. WALTON, *Chief Clerk.*

---

## TWENTY-THIRD DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 14, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrack-

man, Berry, Bevins, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ewing, Farris, Gable (Frank M.), Gable (Thomas P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Beaty, Biddle, Bishop, Boggs, Briggs, Brown, Congdon, Ellison, Faulkner, Fisler, Gilmore, Hall, Hartshorne, Hutchison, James of Shawnee, Keller, Kennedy, Majors, Price, Randolph, Raybell, Selover, and Wright.

On motion of Mr. Legate, the reading of the journal of yesterday was dispensed with.

#### ANNOUNCEMENTS.

The Speaker made the following announcements:

By authority vested in me, I do hereby appoint R. E. Stevenson Second Assistant Sergeant-at-Arms of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Stevenson came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Second Assistant Sergeant-at-Arms of the House of Representatives, to the best of my ability. So help me God. (Signed) R. E. STEVENSON.

Subscribed and sworn to before me, this 12th day of February,  
1879.

SIDNEY CLARKE,

*Speaker of the House.*

By authority vested in me, I hereby appoint W. A. Madison  
clerk of the Committee on County Lines and County Seats.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Madison came forward, and subscribed to the following  
oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the  
United States and the constitution of the State of Kansas, and  
faithfully discharge the duties of clerk of the Committee on  
County Lines and County Seats to the best of my ability. So  
help me God. (Signed) W. A. MADISON.

Subscribed and sworn to before me, this 14th day of February,  
1879.

SIDNEY CLARKE,

*Speaker of the House.*

By consent, Speaker Clarke introduced House bill No. 306,  
An act to amend sections 6 and 7 of chapter 117 of the Laws of  
1877, entitled "An act authorizing the appointment of a Com-  
missioner of Fisheries, and for the protection of fish in the  
waters of the State of Kanas, and making an appropriation for  
the salary of the Commissioner," which was read the first time.

The rules were suspended, and it was read the second time,  
and referred to the Committee on Judiciary.

Leave of absence was granted to Mr. Scott until Monday.

Leave of absence was granted to-day to the Committee on  
Education.

By consent, Mr. Smith, of Marshall, from the Joint Commit-  
tee on Revision, made the following report:

MR. SPEAKER: Your Joint Committee on Revision, to whom  
was referred the revision of the laws, have had the same under  
consideration, and instruct me to report six enclosed chapters  
to the House for their action.

A. M. F. RANDOLPH, *Chairman.*

By consent, the Speaker laid before the House a protest from

the bar of Chase county, against a detachment of Chase county from the Ninth Judicial District, which was referred to the Committee on Apportionment.

By consent, Mr. Biddle introduced House concurrent resolution No. 33, providing for a clerk for Joint Committee on Revision.

#### SPECIAL ORDER FOR 10 O'CLOCK A. M.

The hour for the special order having arrived, the House resolved itself into committee of the whole for the consideration of local bills on the calendar; Mr. Bull in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration local bills on the calendar, and instruct me to report the following recommendations:

Have had under consideration House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, and House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877, and instruct me to report the same back with the recommendation that they be passed over, and retain their places on the calendar.

Also, House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877, with the recommendation that it be passed.

Also, House bill No. 23, An act defining the boundaries of Barton and Pratt counties, with the recommendation that it be passed over, and retain its place on the calendar.

Also, House bill No. 12, An act to change the name of Daisy Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edwin D. Lawrence her guardian, with the recommendation that it be passed.

Also, House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877, with the recommendation that it be passed as amended by the committee.

Also, House bill No. 4, An act fixing the time for holding the



terms of the district court in Clay county, with the recommendation that it be passed.

Also, House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county, with the recommendation that it be referred to the Committee on Judiciary, and retain its place on the calendar.

Also, House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof, with the recommendation that it be passed as amended by the committee.

Also, House bill No. 106, An act for the relief of Hubert Nadeau, and to authorize the County Clerk of Washington county to issue a new certificate for school lands, with the recommendation that it be passed.

Also, House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds, with the recommendation that it be passed.

The committee have instructed me to report progress on the special order, and ask leave to sit again.

H. C. BULL, *Chairman*.

On motion of Mr. Legate, the report was received, and adopted.

By consent, Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following report:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 227, An act to validate the election held in Harper county on the fifth day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

W. C. BUTTS, *Chairman*.

By consent, Mr. Legate introduced House bill No. 307, An act to amend an act entitled "An act to incorporate and establish the city of Leavenworth, Kansas Territory, and for revising and repealing all laws and parts of laws heretofore enacted on that subject," approved February 27, 1872, which was read the first time.

The rules were suspended, the bill read a second time, and referred to the Committee on Municipal Corporations.

On motion of Mr. Waite, of Pawnee, the House adjourned until 2 o'clock P. M.

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 14, 1879. }  
2 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Shawnee, Bishop, Bower, Briggs, Brinkman, Calvin, Clapp, Gable (Frank M.), Gable (Thomas P.), Gilmore, Greever, Hodge, Humes, James of Shawnee, Kennedy, Legate, Majors, Martin of Kingman, McCrumb, Price, Scott, Watson, Wilson of Jackson, Woodward, and Wright.

Leave of absence was granted to Messrs. Wright, Donahue, Bruner, Gable (Frank M.), Gable (Thos. P.), Martin of Miami, Cool, and Biddle, until Monday at 3 o'clock P. M.; to Mr. Greever, this afternoon, on account of sickness; to Mr. Callen, to-day

and to-morrow; to Mr. Humes, and Mr. Martin of Kingman, until next Tuesday.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Eckles: Petition from 41 citizens of Ford county, asking the removal of the "dead line" to the south and west lines of the State of Kansas. Referred to Committee on Inter-State Commerce.

By Mr. Eckles: Petition from 138 citizens of Ford and Hodgeman counties, asking that the "dead line" be moved further west. Referred to Committee on Inter-State Commerce.

By Mr. Stitt: Petition of George Graham and 143 others, citizens of Seneca, and Nemaha county, asking for an amendment to the dramshop act, in accordance with the Governor's late message. Referred to the Committee on Temperance.

Petition of Rev. James E. Gilbert, and 1,250 other citizens of Topeka, asking for an amendment to the dramshop act. Referred to the Committee on Temperance.

By Mr. Bronson: Petition of John Reid and 590 others, of Butler county, Kansas, against railroad legislation. Referred to the Committee on Railroads.

By Mr. Donahue: Petition of W. H. Clarke and 69 others, asking for an appropriation for the Northeast Normal School, at Pardee, Atchison county. Referred to the Committee on Ways and Means.

By Mr. Fisler: Petition of sundry citizens of Harper county, Kansas, relative to the location of the county seat thereof. Referred to Committee on County Lines and County Seats.

By Mr. McClintick: Petitions of citizens of McPherson county, Kansas, asking for the passage of a law regulating freights and fares on railroads. Referred to Committee on Railroads.

By Mr. Helmick: Petition of citizens of Cherokee county, asking for the regulation of freights and fares on railroads. Referred to Committee on Railroads.

By Mr. Biddle; Petition of A. C. Doud and 49 others, resi-

dents of Linn county, praying for the payment of the Price raid claims. Referred to Committee on Claims.

By Mr. Leonard: Petition of Frank Lowrey and 14 others, of Cowley county, offering a reward of \$5,000 for the best grain cutter and dryer, etc. Referred to Committee on Agriculture.

By Mr. Legate: Petition of A. H. Von Luethorly, asking that our Senators be instructed and our members be requested to aid in the passage of a certain bill now before Congress. Referred to Committee on State Affairs.

By Mr. Kollock: Petition of citizens of Marion county, Kansas, asking for legislation regulating tariffs on railroads.

By consent, Mr. James, of Wyandotte, moved that Senate bill No. 39, An act to authorize the Board of County Commissioners of Wyandotte county to build a superstructure for a bridge in said county, be considered engrossed, and ordered to a third reading, which motion prevailed.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Hartshorne: House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas.

House bill No. 309, An act to vacate certain streets, alleys and lots, and to declare the same outside the city limits of the city of Chanute, Neosho county, Kansas.

By Mr. Clogston: House bill No. 310, An act amendatory of an act to provide for the time for holding court in the Fifth Judicial District, approved March 3, 1877.

House bill No. 311, An act conferring the right of majority on Clinton Larcom, a minor.

By Mr. Bronson: House bill No. 312, An act to vacate an alley in Herman & McKetrick's addition to the town of Augusta, Butler county, Kansas.

By Mr. White: House bill No. 313, An act regulating the sale of intoxicating liquors, and amendatory of chapter 35 of the General Statutes of 1868, and repealing all laws in conflict therewith.

By Mr. Eckles: House bill No. 314, An act to provide for the publication of the laws in county newspapers, in the State of Kansas.

By Mr. Walker: House bill No. 315, An act to legalize the acts of T. A. Reed, Notary Public, Pottawatomie county, Kansas.

By Mr. Beaty: House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

By Mr. Bevins: House bill No. 317, An act to repeal chapter 67 of the Session Laws of Kansas for 1877.

By Mr. Eastland: House bill No. 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle.

By Mr. Hartshorne: House bill No. 319, An act to amend section 85 of the code of civil procedure.

House bill No. 320, An act to amend section 16, article 14 of chapter 122 of the Laws of 1876.

By Mr. Thos. P. Gable: House bill No. 321, An act fixing the salary of county commissioners in counties having over twenty-five thousand inhabitants, and to repeal chapter 112 of the Session Laws of 1877.

By Mr. Lawson: House bill No. 322, An act in relation to ditches and sluice-ways, and to provide for a levy of a tax to pay for the construction of the same.

House bill No. 323, An act to authorize the Board of County Commissioners of Reno county to transfer certain funds of school districts to other funds in the same districts.

By Mr. Biddle: House bill No. 324, An act relating to attorneys at law, and making no distinction between males and females to act as attorneys at law in this State.

By Mr. Seaton: House bill No. 325, An act amendatory of sections 2 and 3, chapter 141 of General Statutes of the State of Kansas, entitled "An act relating to liens of mechanics and others," approved March 2, 1872.

By Mr. Walker: House bill No. 326, An act to vacate streets and alleys in Becker's addition to the town of Saint George, in Pottawatomie county, Kansas.

By Mr. Alexander: House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas.

Upon motion of Mr. Eckles, the rules were suspended, and the bills introduced to-day read a second time, and referred.



## SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time, and referred:

*To the Committee on Judiciary:*

House bill No. 305, An act to amend section 76, article 8, chapter 92, statutes of 1868.

House bill No. 311, An act conferring the right of majority on Clinton Larcom, a minor.

House bill No. 319, An act to amend section 85 of the code of civil procedure.

House bill No. 320, An act to amend section 16, article 14 of chapter 122 of the Laws of 1876.

House bill No. 317, An act to repeal chapter 67 of the Session Laws of Kansas for 1877.

House bill No. 315, An act to legalize the acts of T. A. Reed, Notary Public, Pottawatomie county, Kansas.

House bill No. 324, An act relating to attorneys at law, and making no distinction between males and females to act as attorneys at law in this State.

House bill No. 325, An act amendatory of sections 2 and 3, chapter 141 of General Statutes of the State of Kansas, entitled "An act relating to liens of mechanics and others," approved March 2, 1872.

*To the Committee on Roads and Highways:*

House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas.

House bill No. 309, An act to vacate certain streets, alleys and lots, and to declare the same outside the city limits, of the city of Chanute, Neosho county, Kansas.

House bill No. 322, An act in relation to ditches and sluiceways, and to provide for a levy of a tax to pay for the construction of the same.

House bill No. 326, An act to vacate streets and alleys in Becker's addition to the town of St. George, in Pottawatomie county, Kansas.

House bill No. 312, An act to vacate an alley in Herman and McKetrick's addition to the town of Augusta, Butler county, Kansas.

*To the Committee on Criminal Jurisprudence:*

House bill No. 310, An act amendatory of an act to provide for the time of holding court in the Fifth Judicial District, approved March 3, 1877.

*To the Committee on Federal Relations:*

House bill No. 313, An act regulating the sale of intoxicating liquors, and amendatory of chapter 35 of the General Statutes of 1868, and repealing all laws in conflict therewith.

*To the Committee on Printing:*

House bill No. 314, An act to provide for the publication of the laws in county newspapers, in the State of Kansas.

*To the Committee on Insurance:*

House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

*To the Committee on Inter-State Commerce:*

House bill No. 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle.

*To the Committee on Fees and Salaries:*

House bill No. 321, An act fixing the salary of county commissioners in counties having over twenty-five thousand inhabitants, and to repeal chapter 112 of the Session Laws of 1877.

*To the Committee on Education:*

House bill No. 323, An act to authorize the Board of County Commissioners of Reno county to transfer certain funds of school districts to other funds in the same districts.

By consent, House bill No. 314, An act to provide for the publication of the laws in county newspapers, in the State of Kansas, was ordered printed.

Mr. Armstrong introduced House joint resolution No. 6, amending section 1, article 8 of the constitution of the State of Kansas, which was read the first time.

Mr. Manning introduced House concurrent resolution No. 34, which was laid over under the rules.

By consent, Mr. Alexander introduced House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas. Read the first time.

By consent, read a second time, and referred to the Committee on Roads and Highways.

CONSIDERATION OF MOTIONS AND RESOLUTIONS LAID  
OVER UNDER THE RULES.

Resolution of Mr. Wait, of Linn, relating to hours for opening of sessions, was taken up, and on motion of Mr. James, of Wyandotte, was indefinitely postponed.

Resolution offered by Mr. Legate, yesterday, asking for the opinion of the Attorney General on a certain contract made by the State with ex-Governor Samuel J. Crawford, relating to certain school lands obtained by the State from the General Government, as to its legality, was taken up, and adopted.

Resolution offered on a previous day, amending House Rule No. 30, was taken up.

Mr. Sallee moved its adoption.

Mr. James, of Wyandotte, moved its indefinite postponement. The motion did not prevail.

Mr. Armstrong moved the previous question.

The question being, Shall the main question be now put? the motion prevailed.

The question being on the adoption of the resolution, the resolution was not adopted.

The resolution offered by Mr. Biddle on a previous day, for a Clerk's Legislative Manual, was taken up and read, and the question being on the adoption of the resolution, the resolution was adopted.

The resolution offered by Mr. Rice on a previous day, requiring the Committee on Assessment and Taxation to report a certain bill, was taken up, and the question being on the adoption of the resolution, the resolution was not adopted.

The resolution offered by Mr. Waite, of Pawnee, authorizing the Sergeant-at-Arms to employ another assistant was taken up, and on motion was adopted.

The resolution offered by Mr. Barber, respecting the memorial to Congress, adopted by the Ottumwa Literary Society, of Coffey county, asking that the statue of John Brown be placed in the old hall of the national House of Representatives, was taken up, and on motion was referred to the Committee on Ways and Means.

House concurrent resolution No. 32, instructing our Senators and Representatives in Congress to procure legislation to provide against Indian outrages on the frontiers, was taken up.

The question being on the resolution, the resolution was adopted.

By consent, Mr. Anderson, of Cherokee, offered the following resolution:

*Resolved*, That the Speaker be and is hereby authorized to apportion the committee clerks already appointed to such committees as may require the services of clerks.

The motion prevailed, and the resolution was adopted.

#### REPORTS OF STANDING COMMITTEES.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud, and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of such bonds, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House joint resolution No. 27, to refund certain money derived from sale of school lands to certain parties herein named, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*,

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 187, An act for the relief of J. W. Rankin, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 284, An act to donate ten thousand dollars to the St. Mary's College, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 258, An act relating to St. Vincent Orphan Asylum, under the charge of St. Mary's Female Academy, conducted by the Sisters of Charity of St. Vincent of Paul, of Leavenworth, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Judiciary Committee.

C. E. FAULKNER, *Chairman*.

By consent, the recommendation and references were adopted.

Mr. Danhaur, for the Committee on State Library, submitted the following report:

MR. SPEAKER: Your Committee on State Library, to whom was referred House bill No. 279, An act regulating the distribution and sale of Supreme Court Reports, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. C. MARTIN, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following reports:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 270, An act to amend section 19 of chapter 39 of the General Statutes of 1868, relating to fees and salaries, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

H. C. BULL, *Chairman*.



Mr. Kennedy, chairman of the Committee on Elections, submitted the following report :

MR. SPEAKER: Your Committee on Elections, to whom was referred House bill No. 221, An act declaring the district clerk *ex-officio* register of deeds, prescribing his duties therein, and abolishing the office of register of deeds as existing under the present law, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. B. KENNEDY, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following reports :

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or heretofore attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house, and furnishing the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 98, An act to amend section 5, article 13, chapter 122, Laws of 1876, of an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 264, An act to amend section 14, article 4, chapter 122, Laws of 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 299, An act relating to the distribution of school funds in townships herein specified, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 296, An act regulating the time for holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 178, An act entitled "An act to incorporate cities of the first class," approved February 24, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Municipal Indebtedness.

J. A. BLACKMAN, *Chairman*.

By consent, the bill was referred as recommended.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred a resolution providing for the sale of school lands, have compared the engrossed copy with the original resolution, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred a resolution of the Ottumwa Literary Society, of Coffey county, Kansas, have compared the engrossed copy with the original resolution, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred a resolution to amend House resolution No. 30, have compared the engrossed copy with the original resolution, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred a resolution asking the Attorney General's opinion, have compared the engrossed copy with the original resolution, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred a resolution to amend Rule No. 1 of the House of Representatives, have compared the engrossed copy with the original resolution, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Stumbaugh, chairman of the Committee on Private Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Private Corporations, to whom was referred House bill No. 190, An act to amend section 1, chapter 57 of Laws of 1876, being "An act to amend section 27, chapter 23 of the General Statutes of the State of Kansas," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

F. S. STUMBAUGH, *Chairman*.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 257, An act making an appropriation to Henry King for the payment of postage stamps.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 30, instructing our Senators and requesting our Representatives in Congress to vote against the Texas Pacific Railroad subsidy.

Has indefinitely postponed further consideration of House concurrent resolution No. 31, authorizing the appointment of a joint committee to visit the State charitable institutions.

Has also indefinitely postponed further consideration of House concurrent resolution No. 3, relating to the requirements under the law that railroad companies keep their general offices within the State.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 19, instructing our Senators and requesting our Representatives in Congress to secure, if possible, such legislation as will vest the copyright of the United States Supreme Court Reports in the Secretary of State, in trust for the benefit of the people of the United States, and that the publication of said reports be let to the lowest responsible bidder, and that they be sold to the citizens of the United States at their actual cost per volume, and respectfully desire your concurrence therein.

And has passed Senate bill No. 68, An act making an appropriation for the State Fish Commissioner.

Also, Senate bill No. 6, An act to avoid floating liens on real estate.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE HOUSE.

Mr. Manning moved that the House resolve itself into committee of the whole, for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Smith, of Marshall, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report them back with the following recommendations:

House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, with sundry amendments thereto, and the recommendation that it be passed as amended.

W. W. SMITH, *Chairman*.

On motion of Mr. Legate, the report was received.

On motion, leave of absence was granted to Mr. Spilman and the members of his Committee on Elections, until next Monday.

#### APPOINTMENTS.

The Speaker announced the following appointments:

By authority vested in me, I hereby appoint Miss Ella Johnson Fifth Assistant Engrossing Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Johnson came forward, and subscribed to the following oath :

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Fifth Assistant Engrossing Clerk of the House of Representatives to the best of my abilities. So help me God.

(Signed) ELLA JOHNSON.

Subscribed and sworn to before me, this 14th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

By authority vested in me, I hereby appoint T. J. Stumbaugh Third Assistant Sergeant-at-Arms of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Stumbaugh came forward, and subscribed to the following oath :

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Third Assistant Sergeant-at-Arms of the House of Representatives to the best of my ability. So help me God.

(Signed) THOMAS J. STUMBAUGH.

Subscribed and sworn to before me, this 14th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

By consent, Mr. Eastland introduced House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, and Lane counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof, which was read the first time.

Mr. Legate moved that the House adjourn until Monday at 3 o'clock P. M. The motion did not prevail.

Mr. Robb moved that the House adjourn until 10 o'clock A. M. to-morrow.



The motion prevailed, and at the hour of 6:45 the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## TWENTY-FOURTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 15, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Bissell, Blackman, Bower, Breyfogle, Bronson, Bull, Butts, Clark, Clogston, Congdon, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Anderson of Ellsworth, Biddle, Bishop, Blackman, Blanchard, Boggs, Briggs, Brinkman, Brown, Bruner, Callen, Calvin, Clapp, Cool, Donahue, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hewins, Humes, James of Shawnee, Kennedy, Manning, Martin of Kingman, Martin of Miami, McClintick, McMillen, Parsons, Price, Richards, Scott, Selover, Smith of Bourbon, Spilman, Tucker, Wait of Linn, Wilson of Jackson, Woodard, and Wright.

Quorum present.

On motion, leave of absence was granted to Messrs. Ewing, Hodge, and Loy, until Monday at 3 o'clock P. M.; Messrs. Hosack and Humes, until Wednesday; Mr. James of Shawnee, indefinitely, on account of sickness.

Pending the reading of the journal of yesterday, on motion of Mr. Legate the further reading of the journal was dispensed with.

Mr. Legate moved that House bill No. 257 be made the special order for next Monday at 3 o'clock P. M. The motion did not prevail.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Breyfogle: Petition of 132 citizens of Atchison, to amend the dramshop act. Referred to Committee on Temperance.

By Mr. Shaw: Petition of 200 citizens of Newton, for an amendment to the dramshop act. Referred to the Committee on Temperance.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Kollock: House bill No. 329, An act to authorize money belonging to the interest and sinking fund of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts.

By Mr. McKay: House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868.

By Mr. Danhaur: House bill No. 331, An act to amend section 19 of chapter 39 of the statutes of 1868, concerning fees, approved March 2, 1868, entitled "An act fixing the fees of certain officers and persons therein named."

By Mr. Myers: House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

By Mr. Prunty: House bill No. 333, An act in relation to roads and highways.

By Mr. Clark: House bill No. 334, An act to legalize the official acts of A. P. Boswell as Trustee of Parker township, in

Montgomery county, Kansas, and as County Commissioner of Montgomery county, Kansas.

By Mr. Spilman: House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

By Mr. Breyfogle: House bill No. 336, An act to authorize the boards of county commissioners, in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

By Mr. McClintick: House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

By Mr. Danhaur: House bill No. 338, An act to amend section 27 of article 5 of chapter 83, statutes of 1868, concerning the procedure before justices in cases of misdemeanors, entitled "An act regulating the jurisdiction and procedure before justices of the peace in cases of misdemeanors," approved February 29, 1868.

#### SECOND READING AND REFERENCE OF BILLS.

By consent, on motion of Mr. Blackman, the bills read the first time were read the second time, and referred to appropriate committees.

##### *To the Committee on Judiciary :*

House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868.

House bill No. 331, An act to amend section 19 of chapter 39 of the statutes of 1868, concerning fees, approved March 2, 1868, entitled "An act fixing the fees of certain officers and persons therein named."

House bill No. 334, An act to legalize the official acts of A. P. Boswell as Trustee of Parker township, in Montgomery county, Kansas, and as County Commissioner of Montgomery county, Kansas.

House joint resolution No. 6, amending section 1 of article 8 of the constitution of the State of Kansas.

##### *To the Committee on County Lines and County Seats :*

Substitute for House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, and Lane counties, State of Kansas, and repealing all former laws relating to the boundaries thereof.

*To the Committee on Municipal Corporations:*

House bill No. 329, An act to authorize money belonging to the interest and sinking funds of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts.

*To the Committee on Roads and Highways:*

House bill No. 333, An act in relation to roads and highways.

*To the Committee on Education:*

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

*To the Committee on Temperance:*

House bill No. 336, An act to authorize the boards of county commissioners, in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

*To the Committee on Ways and Means:*

House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

*To the Committee on Criminal Jurisprudence:*

House bill No. 338, An act to amend section 27 of article 5 of chapter 83, statutes of 1868, concerning the procedure before justices in cases of misdemeanors, entitled "An act regulating the jurisdiction and procedure before justices of the peace in cases of misdemeanors," approved February 29, 1868.

REPORTS OF STANDING COMMITTEES.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 105, An act to authorize cities of the second class to surrender their charters and organize

towns, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 194, An act to authorize the Township Trustee of Center township, Marion county, to expend the sum of one thousand dollars in improving the public highways in said township, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class," as amended, section 1, chapter 71, of the Laws of 1875, approved February 25, 1875, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 303, An act vacating certain farming property within the incorporate limits of Wyandotte city, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 4, An act fixing the times of holding the terms of the district court in Clay county, and to repeal all acts or parts of acts inconsistent therewith, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias



Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 12, An act to change the name of Daisy Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edward D. Lawrence her guardian, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 68, An act authorizing the building and maintaining a dam across the Marais des Cygnes river, in Osage county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 106, An act for the relief of Hubert Nadeau, and to authorize the County Clerk of Washington county, to issue a new certificate for school lands, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877, of an act authorizing and directing the Board of County Commissioners of Barbour county to provide a fund, and to issue warrants thereon, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 37, An act to legalize the acts of Geo. S. Greene as a Notary Public, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be incorporated in the substitute for House bill No. 161, and acted upon as therein recommended.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 161, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 161, An act to legalize the official acts of D. J. Reber, of Butler county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 315, An act to legalize the acts of T. A. Reed, Notary Public, Pottawatomie county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, the same subject-matter being incorporated in substitute for House bill No. 161.

S. A. RIGGS, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred Senate joint resolution No. 2, proposing amendment to section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, have had the same under consideration, and instruct me to report it back to the House with the recommendation that it be adopted.

JOHN S. GILMORE, *Chairman*.

Mr. Blackman, chairman of the Committee on Education, submitted the following report:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 273, An act to create a State board of school text-books, and to authorize the Superintendent of Public Instruction to purchase text-books for the public schools of the State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. A. BLACKMAN, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 186, An act to provide what animals shall not be permitted to run at large in the several counties in this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with slight amendments.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

Mr. Wait, of Lincoln, chairman of the Committee on Apportionment, submitted the following report:

MR. SPEAKER: Your Committee on Apportionment, to whom was referred House bill No. 267, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding courts therein, and for defining the boundaries and terms of court in the Ninth, Thirteenth and Fourteenth Judicial Districts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected. W. S. WAIT, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 166, An act relating to taxation in Leavenworth county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

E. C. MANNING, *Chairman*.

Mr. Hamilton, of Marshall, chairman of the Committee on Finance, submitted the following report:

MR. SPEAKER: Your Committee on Finance, to whom was referred House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with the following amendment, to wit: "That nothing in this act shall be so construed as to authorize the County Commissioners of Rooks county to issue bonds as provided for in this act, until the same shall have been submitted to a vote of the people of the said county of Rooks."

L. P. HAMILTON, *Chairman*.

By consent, Mr. Greiffenstein withdrew House bill No. 200, An act to amend an act entitled "An act to incorporate cities of the second class," approved February 28, 1872.

Mr. Randolph submitted the following:

MR. SPEAKER: I desire to report that Frank S. Presbrey has been appointed clerk of the Committee on Investigation.

A. M. F. RANDOLPH, *Chairman*.

From messages from the Senate, the following bills were taken up and read the first time:

Substitute for Senate bill No. 68, An act making appropriation for the State Fish Commissioner for the years ending June 30, 1880, and June 30, 1881.

Substitute for Senate bill No. 6, An act to avoid floating liens on real estate.

By consent, Senate bill No. 19, An act making an appropriation for the expenditures made in the selection of indemnity school lands, was referred to the committee of the whole House.

By consent, leave of absence was granted Messrs. Callen and Greever for this forenoon, on account of sickness.

By consent, Mr. Rice offered the following resolution:

*Resolved*, That the Committee on Charitable Institutions be authorized to employ a clerk.

Mr. Rice moved that the rules be suspended, and the resolution be considered now. The motion did not prevail.

#### CONSIDERATION OF RESOLUTIONS OFFERED ON PREVIOUS DAYS.

Senate concurrent resolution No. 19 was taken up, and on motion concurred in.

House concurrent resolution No. 34, amending the joint rules, was taken up.

Mr. Manning moved that the resolution be adopted, which motion did not prevail.

House joint resolution No. 6 was read a second time, and by consent referred to the Committee on Federal Relations.

#### THIRD READING OF BILLS.

Senate bill No. 39, An act to authorize the County Commissioners of Wyandotte county to build a superstructure for a bridge in said county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65. Yeas, 80; nays, 0; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Beaty, Bevins, Bissell, Blackman, Breyfogle, Briggs, Bronson, Bull, Butts, Clark, Clogston, Congdon, Cunningham,



Eastland, Eckles, Eggers, Ellison, Farris, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Raybell, Rice, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Waite of Pawnee, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Baker, Barber, Berry, Biddle, Bishop, Blanchard, Boggs, Bower, Brinkman, Brown, Bruner, Callen, Calvin, Clapp, Cool, Corbin, Danhaur, Donahue, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greiffenstein, Hewins, Humes, James of Shawnee, Kennedy, Kollock, Lawson, Martin of Kingman, Martin of Miami, McClintick, McMillen, Parsons, Price, Rath, Richards, Scott, Seaton, Spilman, Towle, Wait of Linn, Walker, Watson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 77; constitutional majority, 65. Yeas, 75; nays, 2; absent or not voting, 52.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Beaty, Bevins, Bissell, Boggs, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Clark, Clogston, Congdon, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Farris, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hodge, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Leonard, Loy, Martin of Labette, McClintick, McKay, Miller, Moore, Myers, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Selover,

Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Messrs. Manning and Majors voted in the negative.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Barber, Berry, Biddle, Bishop, Blackman, Blanchard, Brinkman, Brown, Bruner, Callen, Calvin, Clapp, Cool, Donahue, Eggers, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greiffenstein, Hall, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kennedy, Legate, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Morgan, Parsons, Price, Richards, Scott, Seaton, Spilman, Towle, Tucker, Wait of Linn, Watson, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 4, An act fixing the time for holding the terms of the district court in Clay county, was read the third time, and the question being, Shall the bill pass? the roll was called, with with the following result :

Whole number of votes cast, 83 ; constitutional majority, 65. Yeas, 83 ; nays, 0. Absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Bevins, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Clark, Clogston, Congdon, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Farris, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Kollock, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Wait of Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Barber, Beaty, Berry, Biddle, Bishop, Blanchard, Brinkman, Bruner, Butts, Callen, Calvin, Clapp, Cool, Donahue, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thomas P.), Games, Greever, Greiffenstein, Hall, Hewins, Humes, James of Shawnee, Kennedy, Lawson, Martin of Kingman, Martin of Miami, McMillen, Price, Richards, Scott, Seaton, Spilman, Tallman, Towle, Tucker, Wait of Linn, Watson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877, was read, whereupon Mr. Legate offered the following substitute for section 1: "Sec. 1. The right of the county of Lincoln, and townships in said county, to build a bridge or bridges across Saline river at any point on said river, in the county of Lincoln, is not and shall not be abridged, or in any way prevented, anything in chapter 84, Laws of 1877, to the contrary notwithstanding, and such right shall exist the same as if said chapter 84 had not been enacted."

By consent, the substitute was agreed to.

The bill as amended was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65; yeas, 80; nays, 0; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Bevins, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Brown, Bull, Clark, Clogston, Corbin, Cunningham, Danhaur, Eckles, Eggers, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Hankins, Helmick, Henderson, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, Miller, Moore, Myers, Parsons, Prunty, Ran-

dolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Baker, Beaty Berry, Biddle, Bishop, Blanchard, Brinkman, Bronson, Bruner, Butts, Callen, Calvin, Clapp, Congdon, Cool, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greiffenstein, Hewins, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Martin of Kingman, Martin of Miami, McMillen, Morgan, Price, Richards, Scott, Seaton, Spilman, Towle, Wait of Linn, Watson, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 12, An act to change the name of Daisy Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edwin D. Lawrence her guardian, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 84; nays, 0; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Bevins, Bissell Blackman, Boggs, Bower, Breyfogle, Briggs, Bull, Butts, Clark, Clogston, Congdon, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, McClintick, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of



Lincoln, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Barrackman, Beaty, Berry, Biddle, Bishop, Blanchard, Brinkman, Bronson, Brown, Bruner, Callen, Calvin, Clapp, Cool, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greiffenstein, Hankins, Hewins, Hodge, Hossack, Humes, James of Shawnee, Kennedy, Manning, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Parsons, Price, Richards, Scott, Spilman, Wait of Linn, Watson, Wright, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Hamilton, of Marshall, moved that the special order for 3 o'clock P. M. to-day be made the special order for Monday next, at 3 o'clock P. M.

Mr. Bull moved to amend the motion by striking out the word "3" and inserting "7." The motion to amend prevailed.

Mr. Manning moved that the House adjourn. The motion did not prevail.

Mr. James, of Wyandotte, moved that the motion to adjourn till 3 o'clock P. M. next Monday, which had been offered by Mr. Legate, be amended to 2 o'clock P. M. this day.

Upon which motion, the yeas and nays were demanded and had, with the following result: Yeas, 40; nays, 43; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Armstrong, Ballard, Bevins, Bissell, Blackman, Boggs, Bower, Corbin, Cunningham, Danhaur, Eckles, Gillespie, Godfrey, Hankins, Helmick, Hutchison, James of Wyandotte, Keller, Kollock, Leonard, Manning, McClintick, McKay, Moore, Myers, Prunty, Rath, Robb, Seaton, Stitt, Stumbaugh, Taylor, Wait of Lincoln, Waite of Pawnee, White, Willey, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Barber, Barrackman, Beaty, Breyfogle, Bull, Butts, Clark, Clogston, Eggers, Ellison, Farris, Faulkner, Gilmore,



Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Henderson, Huffaker, Kelley, Lawson, Legate, Martin of Labette, McCrumb, McMillen, Parsons, Randolph, Raybell, Rice, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Towle, Tucker, Walker, and Wilson of Jackson.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Berry, Biddle, Bishop, Blanchard, Briggs, Brinkman, Bronson, Brown, Bruner, Callen, Calvin, Clapp, Congdon, Cool, Donahue, Eastland, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hewins, Hodge, Hossack, Humes, James of Shawnee, Kennedy, Loy, Majors, Martin of Kingman, Martin of Miami, McMillen, Morgan, Price, Rice, Richards, Scott, Spilman, Wait of Linn, Watson, Woodard, Wright, and Speaker Clarke.

So the motion did not prevail.

Mr. Manning moved to adjourn until 3 o'clock P. M. Tuesday. The motion did not prevail.

Mr. Legate moved that when the House adjourn to-day, it adjourn until Monday at 10 o'clock A. M., under the rules.

The motion prevailed, and the House adjourned.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 15, 1879. }  
1 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. Quorum present.

(The original roll-call being lost, no notice of the absentees is given, in conformity with the instructions of the House to the Journal Clerk.—CHIEF CLERK.)

## COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Alexander in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report them back to the House with the following recommendations:

House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks," and instruct me to report progress on the same, and ask leave to sit again.

Also, substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness, with amendments thereto, and the recommendation that it be passed as amended.

Also, House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds to the construction of a railroad, with the recommendation that it be passed as amended by the committee.

Also, House bill No. 196, An act to authorize and empower the county of Leavenworth to take up and re-fund its railroad bonded indebtedness, and to repeal chapter 123 of the Session Laws of 1877, with the recommendation that it be passed, subject to amendment and debate.

Also, House bill No. 104, An act to enable Johnson county to take up and cancel the bonds of said county heretofore issued to the Kansas & Neosho Valley Railroad Company, and St. Louis, Lawrence & Denver Railroad Company, by issuing bonds in lieu, with amendments thereto, and the recommendation that it be passed as amended.

Also, House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, with the recommendation that it be passed, subject to amendment and debate.

Also, House bill No. 71, An act to amend an act entitled "An act concerning descents and distribution," approved March 2, 1868, with the recommendation that it be passed, subject to amendment and debate.

Also, Senate bill No. 19, An act making an appropriation to

reimburse certain persons for expenditures made in the selection of indemnity school lands, with the recommendation that it be passed.

Also, House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain title to real estate, with the recommendation that it be passed as amended by the committee.

Also, House bill No. 210, An act providing for changing the frontage of lots in incorporated cities, with the recommendation that it be passed.

Also, House bill No. 63, An act to amend section 4 of article 14 of the Laws of 1876, being "An act for the regulation and support of common schools," with the recommendation that the enacting clause be stricken out.

Also, House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877, with the recommendation that it be passed as amended.

Also, House bill No. 249, An act providing for the recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies, with the recommendation that it be passed, subject to amendment and debate.

The committee have instructed me to report progress on the balance of the calendar, and ask leave to sit again.

W. D. ALEXANDER, *Chairman.*

On motion of Mr. Bull, the report was accepted.

#### ANNOUNCEMENTS.

By virtue of the authority vested in me, I hereby appoint Lee H. Crockett Fourth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Crockett came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Fourth Assistant Enrolling Clerk of the House of Representatives, to the best of my ability. So help me God.

(Signed) L. H. CROCKETT.

Subscribed and sworn to before me, this 15th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

By virtue of the authority vested in me, I hereby appoint J.  
Addie Lescher Fifth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Lescher came forward, and subscribed to the following  
oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the  
United States and the constitution of the State of Kansas, and  
faithfully discharge the duties of Fifth Assistant Enrolling  
Clerk of the House, to the best of my ability. So help me God.

J. ADDIE LESCHER.

Subscribed and sworn to before me, this 15th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Robb moved that the House adjourn until Monday at 3  
o'clock P. M.

Mr. Lawson moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## TWENTY-FIFTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 17, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Albin,  
Anderson of Cherokee, Baker, Ballard, Barber, Barrackman, Bis-  
sell, Blanchard, Boggs, Bower, Bull, Callen, Clapp, Clark, Cong-

don, Corbin, Cunningham, Danhaur, Eckles, Eggers, Faulkner, Fisler, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Manning, Martin of Labette, McClintick, McKay, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Sallee, Shaw, Smith of Bourbon, Smith of Marshall, Stumbaugh, Tallman, Taylor, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Beaty, Berry, Bevins, Biddle, Bishop, Blackman, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clogston, Cool, Donahue, Eastland, Ellison, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Hamilton of Norton, Henderson, Hewins, Hodge, Hos-sack, Huffaker, Humes, James of Shawnee, Kelley, Kennedy, Legate, Loy, Majors, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Miller, Price, Rice, Richards, Scott, Seaton, Selover, Spilman, Stewart, Stitt, Towle, Tucker, Wait of Lincoln, Wait of Linn, Walker, Watson, and Wilson of Jackson.

Quorum present.

By consent, Mr. Wait, of Lincoln, was excused on account of sickness.

On motion, the Committee on Investigation was permitted to retire at its pleasure, for the purpose of conducting the business before it.

Pending the reading of the journal of Saturday, on motion of Mr. Manning the further reading of the same was dispensed with.

Mr. Manning then moved a suspension of the rules, and that the regular order of business be omitted, and that nothing but the introduction of bills be permitted, when the House shall go into committee of the whole for the consideration of general orders on the calendar. The motion prevailed.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Waite, of Pawnee: House bill No. 339, An act for the relief of Pawnee county, Kansas, and to make appropriation to pay the costs in certain criminal cases.



By Mr. Hutchison: House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio.

By Mr. Hartshorne: House bill No. 341, An act to enable the several counties of the State of Kansas to amend the operation and effect of chapter 193 of the Session Laws of 1872, known as the "herd law."

By Mr. Randolph: House bill No. 342, An act authorizing Burlington township, Coffey county, Kansas, to issue bonds to re-fund the indebtedness of said township.

By Mr. Ballard: House bill No. 343, An act amending section 1 of an act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of Laws of 1874.

By Mr. Stumbaugh: House bill No. 344, An act entitled "An act entitled 'An act concerning the location and removal of county seats,'" approved March 2, 1868.

House bill No. 345, An act to apportion the State for Senators and Representatives.

By Mr. Albin: House bill No. 346, An act protecting municipalities in their subscriptions to the capital stock of railway companies.

By Mr. Clapp: House bill No. 347, An act concerning the office of Land Commissioner for the State of Kansas, and defining the duties of said Commissioner, and providing for the sale and conveyance of certain State lands therein named.

Upon motion of Mr. Stumbaugh, the rules were suspended, and the bills introduced to-day were read a second time, and referred to appropriate committees.

## SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time, and referred to appropriate committees, as follows:

### *To the Committee on Judiciary:*

Substitute for Senate bill No. 6, An act to avoid floating liens on real estate.

House bill No. 342, An act authorizing Burlington township, Coffey county, Kansas, to issue bonds to re-fund the indebtedness of said township.

*To the Committee on Ways and Means:*

Substitute for Senate bill No. 68, An act making appropriation for the State Fish Commissioner for the years ending June 30, 1880, and June 30, 1881.

*To the Committee on Claims:*

House bill No. 339, An act for the relief of Pawnee county, Kansas, and to make appropriations to pay the costs in certain cases.

*To the Committee on County Lines and County Seats:*

House bill No. 344, An act entitled "An act to amend an act entitled 'An act concerning the location and removal of county seats,'" approved March 2, 1868.

House bill No. 340, An act to change the name of Huron, Jewell county, Kansas, to the name of Omio.

*To the Committee on Agriculture:*

House bill No. 341, An act to enable the several counties of the State of Kansas to amend the operation and effect of chapter 193 of the Session Laws of 1872, known as the "herd law."

*To the Committee on Municipal Corporations:*

House bill No. 343, An act amending section 1 of an act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of the Laws of 1874.

*To the Committee on Apportionment:*

House bill No. 345, An act to apportion the State for Senators and Representatives.

*To the Committee on Municipal Indebtedness:*

House bill No. 346, An act protecting municipalities in their subscriptions to the capital stock of railway companies.

House bill No. 347, An act concerning the office of Land Commissioner for the State of Kansas, and defining the duties of said Commissioner, and providing for the sale and conveyance of certain lands therein named.

House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

On motion of Mr. McClintick, House bill No. 337 was ordered

withdrawn from the Committee on Ways and Means, and referred to the Committee on Judiciary.

#### COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Waite, of Pawnee, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration bills on the calendar, and instruct me to report them back with the following recommendations:

Substitute for House bill No. 38, An act to authorize and empower municipalities to adjust, compromise, and settle their indebtedness, and instruct me to report it back with the accompanying substitute, and recommend that the substitute for the substitute be ordered printed, and take its place with the substitute on the calendar, for further consideration.

Also, House joint resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, with the recommendation that it retain its place on the calendar.

Also, House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks."

And instruct me to report progress on the same, and the balance of the calendar, and ask leave to set again.

D. H. WAITE, *Chairman.*

The report was received.

#### PRESENTATION OF PETITION.

By consent, the Speaker presented a petition of W. I. Fleenor and 207 other citizens of Atchison, for an amendment to the dramshop act. Referred to Committee on Temperance.

On motion of Mr. Smith, of Marshall, at 12 o'clock M., the House adjourned.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 17, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Ballard, Barber, Barrackman, Bissell, Blanchard, Boggs, Bower, Breyfogle, Bull, Butts, Callen, Clark, Congdon, Cunningham, Danhaur, Eckles, Eggers, Faulkner, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hutchison, James of Wyandotte, Kollock, Lawson, Leonard, Majors, Manning, Martin of Labette, McKay, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stumbaugh, Taylor, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodward, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Beaty, Berry, Bevins, Biddle, Bishop, Blackman, Briggs, Brinkman, Bronson, Brown, Bruner, Calvin, Clapp, Clogston, Cool, Corbin, Donahue, Eastland, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hamilton of Norton, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kennedy, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Price, Rice, Richards, Scott, Seaton, Spilman, Stewart, Stitt, Tallman, Towle, Tucker, Wait of Lincoln, Wait of Linn, Walker, Watson, Wilson of Jackson, and Wright.

By consent, Mr. Eggers, chairman of the Committee on Railroads, submitted the following report:

MR. SPEAKER: Your Committee on Railroads, to whom was referred House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, have had the same under consideration, and instruct me to

report the bill back to the House with the recommendation that it be passed.

L. F. EGGERS, *Chairman*.

Mr. Eggers moved that House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, be made the special order for 2 o'clock to-morrow. The motion prevailed.

Mr. Manning offered a resolution amending Rule No. 54, as follows: "Rule 54. Bills reported by committees shall go upon the calendar as part of the general orders, unless otherwise ordered. Bills reported upon favorably shall be printed, with report of the committee thereon; but if the committee report an entire bill as a substitute, or propose to strike out all after the enacting clause, and insert a new bill, the new bill or substitute so reported (with the report thereon), shall be printed, and the original bill shall not be printed, unless the House so order. Bills reported unfavorably shall not be printed, unless ordered printed by the House."

Mr. Manning moved to suspend the rules, and consider the resolution now. The motion prevailed.

A division of the question being called for, the first clause, on motion of Mr. Smith, of Marshall, was referred to the Committee on Rules, with the instruction to report upon the same to-morrow morning.

The question recurring upon the latter clause, the same was adopted; which is as follows: "*Resolved*, That the Chief Clerk is hereby directed to cause to be returned from the hands of the printer all local bills heretofore ordered printed, and all bills of a general character which have not been favorably reported upon by committees."

The amended resolution, as proposed by Mr. Manning, would read as follows: "Rule 54. Bills reported by committees shall go upon the calendar as part of the general orders, unless otherwise ordered. No bill shall be printed until after it has been considered by the committee to which it had been referred after second reading, and the printing thereof has been recommended by such committee; and when such bill is presented it shall contain the report of the committee."



By unanimous consent, Mr. Albin, from the Committee on Apportionment, submitted the following report :

MR. SPEAKER: Your Committee on Apportionment, to whom was referred House bill No. 100, An act to create the Sixteenth Judicial District, to provide for a Judge thereof, and for holding terms of court therein, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

W. S. WAIT, *Chairman*.

Mr. Stumbaugh offered the following resolution, and moved its adoption :

*Resolved*, That the original bill as amended in committee be printed, with the substitute, and that they be made the special order for Wednesday, the 19th inst., at 3 o'clock P. M.

The motion prevailed, and the resolution was adopted.

Mr. Bower, chairman of the Committee on Internal Improvements, submitted the following report :

MR. SPEAKER: Your Committee on Internal Improvements, to whom was referred House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon creek, in Dickinson county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

SOL. BOWER, *Chairman*.

By consent, Mr. Anderson, of Cherokee, introduced House bill No. 348, An act to amend sections 81, 87, 88, of chapter 60 of the Session Laws of 1871.

The rules were suspended, the bill read a second time, and referred to Committee on Judiciary.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports :

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House resolution, by Mr. Barber, "of the Ottumwa Literary Society, Coffey county, Kansas, concerning a statue of John Brown," have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be rejected, as the subject-matter therein contained has already been reported upon in House bill No. 156.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 182, An act making appropriation for the Kansas State Historical Society, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be indefinitely postponed, as the subject-matter of the bill is included in the executive and judiciary bill.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatomie, for the fiscal years ending June 30, 1880 and 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

C. E. FAULKNER, *Chairman*.

Mr. Waite, of Pawnee, moved that House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, be printed, and made a special order for Thursday at 3 o'clock P. M. The motion prevailed.

#### COMMITTEE OF THE WHOLE.

The House then went into committee of the whole, with Mr. Waite, of Pawnee, in the chair, for the consideration of bills on the calendar.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report them back to the House with the following recommendations:

House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks," as amended by the committee, and recommend that it be passed as amended.

Also, House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salary of county treasurers," with sundry amendments thereto, and recommend that it be passed as amended.

The committee have instructed me to report progress on balance of the calendar, and ask leave to sit again.

DAVIS H. WAITE, *Chairman*.

The report was received.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate bill No. 38, An act authorizing townships in Linn county, Kansas, to vote bonds for the purpose of building and repairing roads and bridges in said Linn county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to provide for the building of bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund,'" have had the same under con-

sideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended: "Strike out the half of one per cent., and insert one-fifth of one per cent., in section 2."

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 280, An act to amend chapter 39 of Laws of 1874, being "An act to issue bonds to build bridges and other works of internal improvement," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 288, An act relating to hedge fences along lines of public highways, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

FRANK M. GABLE, *Chairman*.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 21, An act making an appropriation for the purpose of paying the fees of Registers and Receivers of the United States land offices for the final location of lands granted to the State of Kansas by the United States as indemnity school lands, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 257, An act making an appropriation to Henry King for the payment of postage stamps, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.



Mr. Blackman, chairman of the Committee on Education, submitted the following report:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 295, An act to amend section 6 of article 3 of the act relating to common schools, approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. A. BLACKMAN, *Chairman*.

Mr. White, chairman of the Committee on Insurance, submitted the following report:

MR. SPEAKER: Your Committee on Insurance, to whom was referred House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

G. L. WHITE, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has adopted Senate concurrent resolution No. 21, in relation to losses by Quantrill's band, led by Quantrill.

The Senate has also passed Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove.

Also, Senate bill No. 62, An act authorizing mining corporations to improve and cultivate the surface of such land as they may have in possession.

HENRY BRANDLEY, *Secretary*.

#### REPORTS OF STANDING COMMITTEE.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 104, An act to authorize and empower the county of Johnson to take up and re-fund its railroad



bonded indebtedness, and to repeal chapter 122 of Session Laws of 1877, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain titles to real estate, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and refund its railroad bonded indebtedness, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

By consent, Mr. Bevins introduced House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1879. Read the first time.

On motion of Mr. Bevins, the rules were suspended, and the bill was read the second time, and referred to the Committee on Judiciary.

On motion of Mr. Waite, of Pawnee, House bill No. 234 was ordered printed.

Also, House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1871.

#### ANNOUNCEMENT.

The Speaker made the following announcement:

By authority vested in me, I do hereby appoint Lilly D. Lancaster Sixth Assistant Engrossing Clerk of the House of Representatives.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Lancaster came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Sixth Assistant Engrossing Clerk of the House of Representatives, to the best of my ability. So help me God. (Signed) LILLIE D. LANCASTER.

Subscribed and sworn to before me, this 17th day of February, 1879. SIDNEY CLARKE,

*Speaker of the House.*

By consent, leave of absence for this evening was granted to Messrs. Riggs, Fisler, Tucker, Bower, and Clark, of Montgomery; also, to the Committees on Investigation, County Lines and County Seats, Assessments and Taxation, Roads and Highways; and Mr. Wait, of Lincoln, indefinitely, on account of sickness.

On motion of Mr. Robb, the House adjourned.

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 17, 1879. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Ellsworth, Breyfogle, Calvin, Congdon, Cool, Corbin, Cunningham, Ewing, Farris, Gillespie, Hamilton of Marshall, Hankins, Helmick, Hutchison, Leonard, Loy, Rood, Scott, Smith of Bourbon, Stitt, Stumbaugh, White, Wright, and Speaker Clarke.

There being no quorum present, a call of the House was ordered, and the Sergeant-at-Arms instructed to bring in the absentees. Several members were reported at the bar of the House, who stated that their excuse for non-attendance upon the session was that the hour to which the House adjourned not having been announced at the afternoon adjournment, they did not know when to appear.

On motion of Mr. Stumbaugh, further proceedings under the call were dispensed with.

House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law, having been made the special order for the evening, was taken up.

A division of the question having been called for on the resolution, the yeas and nays were demanded on the portion of the resolution providing for unlimited coinage of gold and silver, and had, with the following result: Yeas, 39; nays, 10; absent or not voting, 80.

Gentlemen voting in the affirmative were: Messrs. Albin, Bissell, Blackman, Breyfogle, Bull, Congdon, Eckles, Ewing, Gable (Thos. P.), Games, Gillespie, Hamilton of Marshall, Hankins, Helmick, Henderson, Hutchison, Leonard, Loy, Martin of Labette, McClintick, McKay, Miller, Moore, Parsons, Rath, Raybell, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Stitt, Stumbaugh, Tallman, Wait of Linn, Waite of Pawnee, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown, Calvin, Cool, Corbin, Cunningham, Eggers, Hamilton of Norton, Manning, Price, and White.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Blanchard, Boggs, Bower, Briggs, Brinkman, Bronson, Bruner, Butts, Callen, Clapp, Clark, Clogston, Danhaur, Donahue, Eastland, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Gilmore, Godfrey, Greever, Greifenstein, Hall, Hartshorne, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Majors, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Morgan, Myers, Prunty, Randolph, Rice, Richards, Riggs, Robb, Seaton, Selover, Smith of Marshall, Spilman, Stewart, Taylor, Towle, Tucker, Wait of Lincoln, Walker, Watson, Willey, Wilson of Jackson, and Wilson of Nemaha.

The announcement of the result revealing the fact that a quorum was not present at 9:10 o'clock, on motion of Mr. Albin, the House adjourned.      WIRT W. WALTON, *Chief Clerk*.

## TWENTY-SIXTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 18, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Donahue, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, James of Shawnee, Keller, Kelley, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Richards, Robb, Rood, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Berry, Bevins, Blackman, Clogston, Danhaur, Eastland, Ellison, Greiffenstein, Hall, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Legate, Martin of Kingman, Martin of Miami, McClintick, Randolph, Rice, Riggs, Sallee, Seaton, Spilman, Towle, Tucker, Wait of Lincoln, and Watson.

Quorum present.

On motion, leave of absence was granted to Messrs. Anderson of Shawnee, Hutchison, Seaton, and Wait, of Lincoln, on account of sickness, and to Mr. Bevins, until the afternoon session.

Pending the reading of the journal of yesterday, on motion of Mr. Manning further reading of the journal was dispensed with.

COMMUNICATION FROM THE CHIEF CLERK.

The Speaker presented the following communication from the Chief Clerk:

MR. SPEAKER: In accordance with the following—"Resolved, That the Chief Clerk is hereby directed to cause to be returned from the hands of the printer all local bills heretofore ordered printed, and all bills of a general character which have not been reported favorably upon by committees"—I have to report that I called at the State Printer's last night, and recalled from him local House bills, as follows: House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon creek, in Dickinson county, Kansas; House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove; substitute for House bills Nos. 161, 37 and 315, An act to legalize the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas, of Geo. S. Greene, a Notary Public in and for Riley county, Kansas, and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas. And that I found House bills Nos. 271, 153, 277, 303, 207 and 194 in the hands of the printers, partly printed, and not in a suitable condition to return to the House.

Respectfully,

WIRT W. WALTON,

*Chief Clerk House of Representatives.*

PRESENTATION OF PETITIONS.

The following petitions were presented, and referred:

By Mr. Donahue: Petition of A. Cushman and 29 others, praying for the abolition of the \$200 exemption and the tax on mortgages. Referred to the Committee on Assessment and Taxation.

By Mr. Donahue: Petition of A. Cushman and 39 others, praying for the abolition of the office of County Superintendent of Public Instruction. Referred to Committee on Education.

By Mr. Taylor: Petition of citizens of Clay county, praying for a change in the "dramshop act." Referred to Committee on Temperance.



By Mr. Cool: Petitions of Ottawa county, remonstrating against sundry petitions now being circulated in said county authorizing the Board of County Commissioners to take charge of certain bridges built by certain townships in said county. Referred to the Committee on Roads and Highways.

By Mr. Cool: Petitions of citizens of Ottawa county, much the same as the above. Referred to Committee on Roads and Highways.

By Mr. Bronson: Petition of E. B. Brainerd and 89 others, against the passage of House bill No. 229, relating to freights and passenger rates. Referred to Committee on Railroads.

By Mr. Rice: Petition of H. B. Smith and 93 others, of Miami county, praying the Legislature to pass a law authorizing the Board of County Commissioners of said county to levy a tax for the purpose of building a bridge across the Pottawatomie. Referred to the Committee on Roads and Highways.

By Mr. Eckles: Remonstrance of A. L. McMurphy and 131 other citizens of Rice county, against the passage of House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars. Referred to Committee on Railroads.

By Mr. McMillen: Petition of sundry citizens of Douglas county, praying for an amendment to the State constitution prohibiting the manufacturing of intoxicating liquors, etc. Referred to Committee on Temperance.

By Mr. Price: Petition of 2,152 legal voters of the city and county of Atchison, remonstrating against any change in the present law concerning the liquor traffic, or the present regulation for obtaining licenses. Referred to Committee on Temperance.

By Mr. Price: Memorial of the Atchison, Topeka & Santa Fé Railroad Company, to the Senate and the House of Representatives of the State of Kansas. Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Butts: House bill No. 350, An act to amend an act entitled "An act to authorize the construction of levees and drains," approved March 3, 1870, and supplemental thereto.

By Mr. Hartshorne: House bill No. 351, An act to establish a more just rate of compensation for the services of the executive and judicial officers of the State of Kansas, and to conform such compensation to the specie standard of the present time.

By Mr. Raybell: House bill No. 352, An act conferring the right of majority on Daniel Riggerback and Samuel Riggerback, minors.

By Committee on Agriculture: House bill No. 353, An act making appropriations to the State Board of Agriculture for deficiency of 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881.

By Mr. White: House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policy-holders.

By Mr. Brown: House bill No. 355, An act vacating certain alleys in the city of Cawker City, in the county of Mitchell and State of Kansas.

By Mr. Brinkman: House bill No. 356, An act attaching the county of Kearney to Ford county for judicial purposes.

By Mr. White: House bill No. 357, An act to amend an act entitled "An act to establish a code of criminal procedure," being "An act to amend section 227 of chapter 82, Laws of 1868."

Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove.

Senate bill No. 62, An act authorizing mining corporations to improve and cultivate the surface of such land as they may have in possession.

Mr. Anderson, of Cherokee, moved that House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, which was reported upon unfavorably by the Committee on Ways and Means on Monday, be referred to the Committee on Judiciary, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1871, have had the

same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 172, An act to enable municipal corporations, the boards of education of any city, and school districts, to re-fund their indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 325, An act amendatory of sections 2 and 3, chapter 141, of General Statutes of the State of Kansas, entitled "Liens of mechanics and others," approved March 2, 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 272, An act for regulating the sale of poisons, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, and the accompanying substitute therefor be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 219, An act to amend section 97 of chapter 81 of the general laws of Kansas of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases," approved March 2, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without printing.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny, have had the same under consideration, and instruct me

to report the bill back to the House with the recommendation that it be passed, without printing.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 305, An act to amend section 76, article 8, chapter 92, statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without printing.

S. A. RIGGS, *Chairman*.

The recommendations of the committee as to reference and printing were agreed to.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following reports :

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 46, An act to define the western boundaries of Leavenworth city, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 127, An act to provide for the change of the boundary lines of organized counties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the substitute herewith be passed, and printed.

W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 84, An act defining the boundaries of Lane county, and repealing section 11 of chapter 72, Laws of 1873, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

W. C. BUTTS, *Chairman*.



MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace and Lane counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

W. C. BUTTS, *Chairman*.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellevue, Pottawatomie county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 210, An act providing for changing the frontage of lots in incorporated cities, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 62, An act amendatory of section 6 of chapter 65 of the General Statutes of the State of Kansas for 1868, entitled "An act relating to mills and milling," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Manufactures, with the accompanying petitions.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 90, An act to repeal section 8 of an act entitled "An act for the encouragement of agriculture," being chapter 37 of the Session Laws of 1877, have had the same



under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 79, An act to repeal section 8 of chapter 37 of the Laws of 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 247, An act to amend section 8, chapter 37, Session Laws of 1872, being "An act for the encouragement of agriculture," approved February 9, 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

The recommendation of the committee as to reference was agreed to.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred substitute for Senate bill No. 68, An act making appropriation for the State Fish Commissioner for the years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 181, An act making appropriation for the Home for Friendless Women, in the city of Leavenworth, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, have had the same under consideration, and instruct

me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880, and 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

C. E. FAULKNER, *Chairman*.

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate bill No. 3, An act to amend chapter 16, General Statutes, in relation to bridges, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 246, An act to amend section 13 of chapter 16 of the General Statutes of 1868, being "An act to provide for the building of bridges," approved February 22, 1867, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended: After the word "building," in the eighth line, insert the words, "or purchasing."

FRANK M. GABLE, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 346, An act protecting municipalities in their subscription to the capital stock of railway companies, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without printing, with the following amendment: Strike out the word "four," in the second section, and add the word "five." E. C. MANNING, *Chairman*.

## UNFINISHED BUSINESS.

House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law, was taken up.

The question being on the adoption of the first clause, the yeas and nays were demanded and had, with the following result: Yeas, 88; nays, 10; not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bull, Butts, Callen, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, James of Shawnee, Keller, Kollock, Lawson, Leonard, Loy, Majors, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Armstrong, Bishop, Brown, Calvin, Clogston, Danhaur, Hamilton of Norton, Kelley, Manning, and White.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Shawnee, Barber, Berry, Bevins, Biddle, Bower, Bruner, Eastland, Eggers, Ellison, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Legate, Martin of Kingman, Martin of Miami, Price, Seaton, Selover, Smith of Bourbon, Spilman, Towle, Tucker, Wait of Lincoln, and Wilson of Nemaha.

And so the first clause of the resolution was adopted.

The question being on the motion to adopt the second clause of the resolution, and the yeas and nays having been ordered, the roll was called, with the following result: Yeas, 54; nays, 44; not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Baker, Ballard, Barrackman, Beaty, Blackman, Blanchard, Bower, Breyfogle, Bull, Butts, Callen, Clapp,

Donahue, Ewing, Farris, Fisler, Godfrey, Greever, Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, Hodge, Huffaker, Keller, Leonard, Majors, Martin of Labette, McClintick, McKay, McMillen, Miller, Morgan, Parsons, Prunty, Rath, Rice, Riggs, Rood, Sallee, Scott, Stewart, Stitt, Tallman, Wait of Linn, Waite of Pawnee, Walker Watson, Wilson of Jackson, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Bishop, Bissell, Boggs, Brinkman, Bronson, Brown, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eckles, Faulkner, Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, James of Shawnee, Kelley, Kollock, Lawson, Loy, Manning, McCrumb, Moore, Myers, Price, Randolph, Raybell, Richards, Robb, Shaw, Smith of Marshall, Taylor, Tucker, White, and Willey.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Shawnee, Barber, Berry, Bevins, Biddle, Briggs, Bruner, Eastland, Eggers, Ellison, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hankins, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Legate, Martin of Kingman, Martin of Miami, Seaton, Selover, Smith of Bourbon, Spilman, Stumbaugh, Towle, Wait of Lincoln, and Wilson of Nemaha.

And so the second clause was adopted.

#### LETTER FROM GENERAL POPE.

By consent, a letter from General Pope to ex-Governor Anthony, relating to the raid of the Cheyenne Indians, was read, and referred to the Committee on State Affairs:

HEADQUARTERS DEPARTMENT OF THE MISSOURI, }  
FORT LEAVENWORTH, KAS., Dec. 31, 1878. }

*Hon. Geo. T. Anthony, Governor of Kansas, Topeka, Kansas:*

GOVERNOR: I have the honor to inform you that I have received orders from the War Department to turn over to the civil authorities of Kansas, such of the Cheyenne prisoners *en route* to this place, from the north, as can be identified as the criminals who committed murder or other crimes during the raid of the Indians through Kansas in September last. As it is desirable not to keep these Indians here longer than necessary, I have to request that such persons as may be needed for the identification of the criminals be sent to meet the Indians on their arrival here. I cannot yet tell exactly when they will reach here, but I will notify you by telegraph as long as possible in advance—perhaps a week.

A considerable force of infantry will be sent within a few days to Camp



Supply, and to a point on the Canadian, half-way between that post and Fort Reno, to cover the southern line of Kansas as far as is practicable for the present.

Of course you know as I do, that infantry is not a very effective force to head off or pursue parties of mounted Indians. You know also that until parties of Indians from the Indian Territory break away, we have no right to act against them, except on application of the Indian agent, or until they have passed out of the limits of their reservation; and that we have no power to inquire into their condition or wants, or to remedy either, nor can we use any precautionary measures of repression, whatever may be the indications of their purpose to break away, unless first asked to do so by the agent. Thus tied up, there is nothing left to the military except to wait until the Indians are gone or until the agent asks the military to act, which for obvious reasons he is very reluctant to do until it is too late for effective measures to prevent trouble.

For these reasons, a considerable cavalry force is needed, not only near these Indians, but on the western frontier of Kansas, to take the field whenever parties of Indians leave their reservations.

The condition of affairs in the Indian Territory makes such a force absolutely necessary on this frontier, but I regret to say that necessities equally pressing in other parts of the country, and even more pressing in some places, demand the service of cavalry elsewhere; and although both Gen. Sheridan and myself understand and have long understood and tried to provide for the necessities of the situation, as has also the General of the Army, there is actually not the cavalry force to send for the present. I hope, however, before many weeks, to get six companies of cavalry, which I will so place as to secure the frontier settlers, as far as activity and zeal can do so with such a force.

I write this letter to you, that you may understand the position in which the military forces of this department are placed in relation to the Cheyennes and Arapahoes, Kiowas and Comanches, and other wild Indians in the Indian Territory.

I repeat that we are powerless to act against these Indians, whatever we may know or believe of their purposes, until they leave the limits of their reservations, or until the Indian agent asks military interposition.

It would not be difficult for the military forces, if they had the authority to encamp at these agencies, to feed the Indians so that they would have no excuse to leave; and to enforce their stay at the agencies by constant repressive force, if necessary. Unfortunately we have no such power; and our only function is to *pursue*, which, as you need not be told, is almost unavailing over these wide plains, after the Indians have once started. It is due to the military forces that I should write these facts to you, as there appears to be a disposition to censure the troops for transactions which they have no power to control, either by precautionary or repressive measures.

Very respectfully, your obedient servant, JNO. POPE,

*Brevet Major General U. S. A., Commanding.*



CONSIDERATION OF MOTIONS AND RESOLUTIONS OFFERED  
ON PREVIOUS DAYS.

Senate concurrent resolution No. 35, appointing a joint committee to provide clerical force for the Senate and House, was taken up, and on motion concurred in.

Resolution of Mr. Price, authorizing the Committee on Charitable Institutions to visit the same, and employ a clerk, if necessary, was taken up, and upon motion of Mr. Legate was laid upon the table.

Mr. Legate moved that House bill No. 126, An act relating to costs in actions for libel and slander, be taken from the calendar, and referred to the Committee on Revision of the Laws. The motion prevailed.

## THIRD READING OF BILLS.

House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 81; constitutional majority, 65. Yeas, 81; nays, 0; absent or not voting, 48.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Baker, Ballard, Barber, Beaty, Bishop, Blackman, Boggs, Breyfogle, Briggs, Brinkman, Brown, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eckles, Ewing, Farris, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hewins, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Berry, Bevins, Biddle, Bissell, Blanchard, Bower, Bronson, Bruner, Clapp, Corbin, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hamilton of Marshall, Helmick, Hodge, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Martin of Kingman,

Martin of Miami, McMillen, Myers, Parsons, Randolph, Robb, Scott, Seaton, Selover, Smith of Marshall, Spilman, Towle, Tucker, Wait of Lincoln, Walker, Watson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 106, An act for the relief of Hubert Nadeau, and to authorize the County Clerk of Washington county to issue a new certificate for school lands, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 79; constitutional majority, 65. Yeas, 79; nays, 0; absent or not voting, 50.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Ballard, Barber, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Ewing, Farris, Fisler, Games, Gillespie, Godfrey, Hall, Hamilton of Norton, Harts-horne, Hankins, Hewins, Hodge, Huffaker, James of Shawnee, Keller, Kelley, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Richards, Riggs, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Baker, Barrackman, Berry, Bevins, Biddle, Bronson, Bruner, Clapp, Clark, Donahue, Eastland, Eckles, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gilmore, Greever, Greiffenstein, Hamilton of Marshall, Helmick, Henderson, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Legate, Martin of Kingman, Martin of Miami, McCrumb, Parsons, Randolph, Raybell, Rice, Robb, Rood, Seaton, Smith of Marshall, Spilman, Towle, Tucker, Watson, Wilson of Nemaha, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 83; nays, 0; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Beaty, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ewing, Farris, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hewins, Hodge, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Legate, Leonard, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Barrackman, Berry, Bevins, Biddle, Bishop, Blackman, Bruner, Callen, Clapp, Clark, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Helmick, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Lawson, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McMillen, Parsons, Price, Robb, Seaton, Spilman, Towle, Wait of Lincoln, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Legate moved that the rules be suspended, and that House

bill No. 166, An act relating to the taxation of Leavenworth county, be considered engrossed, and ordered to a third reading now. The motion did not prevail.

Mr. White moved that the House do now adjourn. The motion did not prevail.

House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, was read the third time.

Mr. Hodge moved the previous question, which was sustained; and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 93; constitutional majority, 65. Yeas, 58; nays, 35; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Armstrong, Baker, Ballard, Beaty, Bissell, Bower, Breyfogle, Briggs, Brinkman, Bull, Butts, Clapp, Danhaur, Eckles, Eggers, Ewing, Faulkner, Fisler, Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Norton, Helmick, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Legate, Leonard, Miller, Morgan, Myers, Parsons, Price, Prunty, Rice, Riggs, Robb, Sallee, Selover, Shaw, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Barber, Biddle, Blanchard, Bronson, Callen, Clark, Clogston, Cool, Corbin, Cunningham, Farris, Games, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Hodge, Lawson, Loy, Martin of Labette, McClintick, McKay, McMillen, Moore, Rath, Raybell, Richards, Scott, Smith of Bourbon, Stewart, Tallman, Wait of Linn, and White.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Berry, Bevins, Bishop, Blackman, Boggs, Brown, Bruner, Calvin, Congdon, Donahue, Eastland, Ellison, Gable (Frank M.), Gable (Thos. P.), Henderson, Hewins, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Majors, Manning, Martin of Kingman, Martin of Miami, McCrumb, Randolph, Rood, Seaton, Smith of Marshall, Spilman, Tucker, Wait of Lincoln, and Woodard.

Mr. Hodge moved a call of the House, which was not sustained.



The bill having failed to receive a constitutional majority, did not pass.

On motion of Mr. Bull, at the hour of 12:23 o'clock P. M., the House adjourned.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 18, 1879. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thomas P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kelley, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Shawnee, Bevins, Briggs, Bruner, Clapp, Congdon, Eastland, Ellison, Hossack, Humes, Hutchison, Kennedy, Kollock, Martin of Kingman, Martin of Miami, McClintick, Seaton, Spilman, Wait of Lincoln, and Wright.

Quorum present.

By consent, Mr. Morgan presented a remonstrance of 101 residents of Chase county against the passage of House bill No. 229. Referred to the Committee on Railroads.



By unanimous consent, Mr. James, of Wyandotte, was granted leave of absence until after Thursday.

#### REPORTS OF STANDING COMMITTEE.

By consent, Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports :

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 123, An act for the relief of Daniel B. Claibourne, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 147, An act making an appropriation for the erection of an hospital building, for furnishing same, and for improvements for the Institution for the Blind, and to defray the current expenses thereof for the fiscal years of 1880 and 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum, at Leavenworth, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute from the joint Committee on Ways and Means be passed.

C. E. FAULKNER, *Chairman.*

#### SPECIAL ORDER.

The Speaker announced as the special order for 2 o'clock P. M., House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars.

#### COMMITTEE OF THE WHOLE.

Mr. Biddle moved that the House resolve itself into committee of the whole, for the consideration of the special order, which motion prevailed.

The House then went into committee of the whole, with Mr. Hodge in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration the special order for 2 o'clock P. M., being House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, and instruct me to report progress thereon, and ask leave to sit again to-morrow at 10 o'clock A. M. J. M. HODGE, *Chairman*.

On motion, the report was adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 32, instructing our Senators and Representatives in Congress to procure legislation to provide against Indian outrages on the frontier.

The Senate has also adopted Senate concurrent resolution No. 24, memorializing Congress to establish courts in the Indian Territory, to survey and allot the land of said Territory to the Indians, etc.

And has passed Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 13, chapter 122, Laws of 1876, section 5, chapter 124, Laws of 1874, chapter 124, Laws of 1876, and chapter 44, Laws of 1877.

HENRY BRANDLEY, *Secretary*.

By consent, Mr. Biddle introduced House bill No. 358, An act declaring and defining public offenses, and prescribing punishments therefor and proceedings thereon. Read first time, and by consent the rules were suspended, and the bill was read a second time, and referred to the Committee on Criminal Jurisprudence.

By consent, Mr. Frank M. Gable introduced House bill No. 359, An act providing for and regulating the salary and compensation of certain township officers therein named, and relating to township officers. Read first time.

By consent, Mr. Frank M. Gable introduced House bill No. 360, An act to amend an act entitled "An act relating to stock," being chapter 105 of the General Statutes of 1868. Read first time.

By consent, Mr. Wilson, of Jackson, introduced House bill No. 361, An act relating to barbed wire fences. Read first time.

By consent, Mr. Kollock introduced House bill No. 362, An act to authorize money belonging to the interest and sinking funds of certain townships to be transferred to the general fund of such township. Read first time.

By consent, the rules were suspended, and House bill No. 362 was read a second time, and referred to the Committee on Judiciary.

Mr. Alexander moved that the rules be suspended, for the purpose of considering a motion to place all bills making appropriations at the head of the calendar. The motion did not prevail.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, gave notice that the clerk of said committee was discharged from further service.

On motion of Mr. Smith, of Marshall, at 5:45 P. M., the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## TWENTY-SEVENTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 19, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen,

Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Berry, Bevins, Bishop, Blackman, Clark, Congdon, Ellison, Gable (Thos. P.), Hossack, Keller, Kennedy, Legate, Leonard, Martin of Kingman, Randolph, Selover, Spilman, Wait of Lincoln, and Woodard.

Quorum present.

Pending the reading of the journal of yesterday, on motion its further reading was dispensed with.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following reports:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 1, An act changing and defining the boundaries of the counties of Davis and Dickinson, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the substitute herewith submitted be printed, and referred to the committee of the whole. W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 344, An act entitled "An act to amend an act entitled 'An act concerning the location and removal of county seats,'" approved March 2, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and passed. W. C. BUTTS, *Chairman*.



Mr. Callen moved that House bill No. 1, An act changing and defining the boundaries of the counties of Davis and Dickinson, be made the special order for to-morrow at 3 o'clock P. M. The motion did not prevail.

By consent, Mr. Robb, chairman of the Committee on Claims, submitted the following report:

MR. SPEAKER: Your Committee on Claims, to whom was referred House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas, for the purpose of liquidating the indebtedness of the State, assumed February 17, 1869, for the Price raid claims of 1864, and the Indian expedition under Major General Curtis, in July and August, 1864, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be indefinitely postponed, and the accompanying substitute be passed.

JAMES ROBB, *Chairman*.

By consent, Mr. Stumbaugh, chairman *pro tem.* of the Committee on Apportionment, submitted the following majority report:

MR. SPEAKER: Your Committee on Apportionment, to whom was referred House bill No. 345, An act to apportion the State for Senators and Representatives, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and that the bill, together with the accompanying minority report, be printed.

F. S. STUMBAUGH, *Chairman pro tem.*

By consent, Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 307, An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate and establish the city of Leavenworth, Kansas Territory,' and for revising and repealing all laws and parts of laws heretofore enacted on that subject," approved February 27, 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 329, An act to authorize



money belonging to the interest and sinking fund of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

By consent, Mr. Breyfogle presented petition of B. F. Hollenbeck and 65 others, praying for the enactment of a law to distribute the school tax collected in the respective counties of the State to the several school districts of such counties equally. Referred to Committee on Education.

By consent, Mr. Calvin, chairman of the Committee on Temperance, submitted the following report:

MR. SPEAKER: Your Committee on Temperance, to whom was referred House bill No. 336, An act to authorize the boards of county commissioners, in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended, by adding to section 3 the following: "*Provided*, That nothing in this act shall be construed so as to release any licensed drug-store keeper from any of the provisions of chapter 35 of the statutes of 1868."

T. J. CALVIN, *Chairman*.

By consent, Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 118, An act to confer the rights of majority on George A. Rogers, of Dickinson county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same subject-matter being incorporated in substitute therefor—substitute printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 120, An act enfranchising J. C. Byrd and W. C. Adams, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 5, An act conferring the rights of majority on William Twist, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 7, An act conferring the rights of majority on Clarence M. Thompson, of Osage county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 22, An act to enable Homer L. Stees to exercise the rights of majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 36, An act conferring the rights of majority on James Renick Fowler, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 58, An act to confer the rights of majority on George Springer, James Edmon Chambers and Mary Ann Chambers, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 73, An act to remove the political dis-

abilities of certain persons therein named, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 120, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 89, An act conferring the rights of majority on William H. Hutchinson, a minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 92, An act to enable Theodore Juelke to exercise the rights of majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 96, An act to enable Henry Bell to exercise the rights of majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 115, An act to enable William Barton Cooper and William S. Christerson to exercise the rights of majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 13, An act to remove disabilities of certain persons therein named, have had the same under consider-

ation, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 151, An act conferring the rights of majority upon Ira F. Hodson and Elmer H. Fort, minors, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 59, An act conferring the rights of majority on Elisha J. Holderness, a minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 160, An act to enable certain persons therein named to exercise the rights of majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 169, An act to empower a certain minor to hold and transfer property and transact business as though he had attained his majority, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, as the same subject-matter is incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 177, An act to remove the political disabilities of Robert N. Smith, of McPherson county, and certain other persons therein named, have had the same under consideration, and instruct me to report the bill back to the House with



the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 120, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 185, An act conferring the rights of majority on Andrew J. Thomas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 203, An act conferring the right of majority on George Burkett, a minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 223, An act to enable John A. Duncan, a minor, to sell real estate, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 250, An act conferring the rights of majority upon Ira Kline, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 255, An act to remove the disabilities of S. W. Lard and A. L. Duncan, Barbour county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 120, not printed.

S. A. RIGGS, *Chairman*.



MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 256, An act conferring the rights of majority on James Gahagan, a minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 286, An act conferring the rights of majority on Eugene W. Goff, of Rooks county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in the substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 311, An act conferring the right of majority on Clinton Larcom, a minor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 349, An act conferring the right of majority on Franklin A. Lewis and John M. Goble, minors, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 118, not printed.

S. A. RIGGS, *Chairman*.

Mr. Hodge gave notice of his intention to move the reconsideration of the vote whereby House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, was lost.

By consent, Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 205, An act to locate a State road in Woodson and Greenwood counties, State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bills Nos. 206, 224 and 326, An act to vacate certain streets, avenues and alleys in the town of St. George proper, and alleys in the first and second additions to said town, in Pottawatomie county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 232, An act to amend section 13, chapter 16 of the General Statutes of the State of Kansas of 1868, being "An act to provide for the building of bridges," approved February 22, 1867, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 293, An act to amend an act entitled "An act in relation to roads and highways," approved March 7, 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Judiciary.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 309, An act to vacate certain

streets, alleys and lots, and to declare the same outside the city limits of the city of Chanute, Neosho county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 312, An act to vacate an alley in Herman & McKetrick's addition to the town of Augusta, Butler county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 322, An act in relation to ditches and sluice-ways, and to provide for the levy of a tax to pay for the construction of the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 333, An act in relation to roads and highways, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

FRANK M. GABLE, *Chairman*.

Recommendation as to reference was adopted.

By consent, Mr. Wright, chairman of the Committee on Inter-State Commerce, submitted the following report:

MR. SPEAKER: Your Committee on Inter-State Commerce, to whom was referred House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quar-

antine grounds for Texas cattle, have had the same under consideration, and instruct me to report the accompanying substitute back to the House with the recommendation that it be passed.

R. M. WRIGHT, *Chairman*.

By consent, Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks, and to repeal chapter 70 of the Laws of 1870," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salaries of county treasurers, and to repeal section 7 of chapter 39 of the General Statutes of 1868," etc., have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

By consent, Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved February 27, 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 261, An act creating the Seventeenth Judicial District, to provide a Judge therefor, and for holding courts therein, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 341, An act to enable the several counties of the State of Kansas to amend the operation and ef-



fect of chapter 193 of the Session Laws of 1872, known as the "herd law," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

#### INTRODUCTION OF BILLS.

By consent, Mr. Hewins introduced House bill No. 363, An act confirming the sale of lands and town lots sold at sheriff's sale for delinquent taxes under chapter 39 of the Laws of 1877, bid in by Chautauqua county on the first offer of sale, at two-thirds the appraised value. Read the first time.

By consent the rules were suspended, and the bill was read the second time, and referred to the Committee on Judiciary.

By consent, Mr. Beaty introduced House bill No. 364, An act in relation to the support of the common schools. Read the first time.

By consent, the rules were suspended, and the bill was read the second time, and referred to the Committee on Education.

On motion of Mr. Biddle, House bill No. 75, An act to vacate a part of the town site of the city of Pleasanton, in Linn county, Kansas, was considered engrossed, and ordered to a third reading.

#### PRESENTATION OF REMONSTRANCES.

By consent, Mr. Willey presented a remonstrance of E. L. Hubbs and 134 others against the passage of House bill No. 229. Referred to Committee on Railroads.

By consent, the Speaker presented a remonstrance by John Walruff and 81 others against any change in the liquor law. Referred to Committee on Temperance.

Leave of absence was granted to Mr. Berry until to-morrow, on account of sickness.

#### SPECIAL ORDER FOR 10 O'CLOCK A. M.

The hour for the special order having arrived, the House went into committee of the whole, with Mr. Hodge in the chair, for its consideration.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had



under consideration the special order, being House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, and instruct me to report progress thereon, and ask leave to sit again at 2 P. M. to-day.

J. M. HODGE, *Chairman*.

On motion of Mr. Riggs, the report was agreed to.

By consent, Mr. Smith, of Marshall, offered the following resolution:

*Resolved*, That all appropriation bills and bills providing for the raising of revenue for the State be placed at the head of general orders on the calendar.

Mr. Legate moved that the rules be suspended, for the purpose of considering the resolution. The motion did not prevail.

So the resolution went over under the rules.

Upon motion of Mr. Manning, at 12:15 o'clock, the House adjourned.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 19, 1879. }  
2 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clark, Clogston, Cool, Corbin, Donahue, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay,

McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Shawnee, Berry, Bevins, Biddle, Callen, Clapp, Congdon, Cunningham, Danhaur, Ellison, Gilmore, Greever, Henderson, Hossack, Keller, Kennedy, Legate, Martin of Kingman, Randolph, Sallee, Spilman, Tucker, Wait of Lincoln, and Wilson of Jackson.

Quorum present.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Robb, chairman of the Committee on Claims, submitted the following reports:

MR. SPEAKER: Your Committee on Claims, to whom was referred petition of D. Bogart, respecting a claim for damage sustained in the erection of the State House, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not allowed.

JAMES ROBB, *Chairman*.

MR. SPEAKER: Your Committee on Claims, to whom was referred House bill No. 244, An act for the relief of L. Easily, of Reno county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended: Strike out "\$53.20," and insert "\$25.60;" and strike out, in second section, "Auditor of State," and insert "School Fund Commissioners be and they are;" and strike out "his," and insert "their."

JAMES ROBB, *Chairman*.

MR. SPEAKER: Your Committee on Claims, to whom was referred petition of Sisters of Charity of St. John's Hospital, of Leavenworth, with the accompanying papers, have had the same under consideration, and instruct me to report the petition back to the House with the recommendation that it be not allowed.

JAMES ROBB, *Chairman*.

MR. SPEAKER: Your Committee on Claims, to whom was referred House bill No. 283, An act for the relief of J. M. Haw-

thorne, late Captain Company "M," Fourth Regiment, Kansas State Militia, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be indefinitely postponed, as the subject-matter of this bill is contained in House bill No. 77.

JAMES ROBB, *Chairman*.

By consent, Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 343, An act amending section 1 of an act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39, of Laws of 1874, have had the same under consideration, and instruct me to report back to the House the accompanying substitute with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

By consent, Mr. Blanchard introduced House bill No. 365, An act to define the boundaries of Labette and Cherokee counties, which was read a first time, and on motion the rules were suspended, and the bill read a second time, and referred to the Committee on County Lines and County Seats.

By consent, the special order, previously set for 2 o'clock P. M. to-day, was made the special order for 2 o'clock P. M. to-morrow.

#### SPECIAL ORDER FOR 2 O'CLOCK P. M.

The hour for the special order having arrived, the House went into committee of the whole, with Mr. Hodge in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration the special order, being House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, and instruct me to report progress on the same, and ask leave to sit again.

J. M. HODGE, *Chairman*.

On motion of Mr. Riggs, the report of the committee was agreed to.

By consent, Mr. Riggs offered the following resolution :

*Resolved*, That when the House again go into committee of the whole on House bill No. 229, that no member shall speak more than five minutes on any one amendment.

Mr. Riggs moved that the rules be suspended, for the purpose of considering the resolution now, which motion prevailed.

The question being upon the adoption of the resolution, the resolution was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 22, relating to the business of this session of the Legislature, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

On motion, the House, at 6:10 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk*.

---

## TWENTY-EIGHTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 20, 1879. }  
10 o'clock A. M. }

House called to order ; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall,

Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Beaty, Bishop, Congdon, Fisler, Gable (Thos. P.), Hewins, Hossack, James of Shawnee, Legate, Manning, Randolph, Scott, Selover, Wait of Linn, and Walker.

Quorum present.

By consent, leave of absence was granted to Messrs. Scott, and Wait, of Lincoln, on account of sickness; to Mr. Fisler until 2 o'clock P. M. to-day, and to Mr. Tucker until 2 o'clock P. M. on Monday.

Pending the reading of the journal of yesterday, on motion of Mr. White the further reading of the journal was dispensed with.

#### INTRODUCTION OF BILLS.

By consent, the following bills were introduced, and read the first time:

By Mr. Frank M. Gable: House bill No. 366, An act to prescribe certain duties of probate judges and county clerks, in counties of 25,000 inhabitants and upwards.

By Mr. Anderson, of Cherokee: House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay the interest and principal upon certain township bonds, and to fix the maximum thereof.

By Mr. Towle: House bill No. 368, An act conferring the rights of majority on Solomon Reim, a minor.

House bill No. 369, An act for the regulation and support of common schools.

By Mr. Smith, of Marshall: House bill No. 370, An act for the encouragement of agriculture.

By Mr. Watson: House bill No. 371, An act to legalize the acts of the School Board of District No. 13, Linn county, Kansas.



By Mr. Martin, of Kingman: House bill No. 372, An act authorizing the County Commissioners of Kingman county to issue bonds to pay outstanding county indebtedness.

By Mr. Helmick: House bill No. 373, An act relating to liens of employés at manufacturing establishments.

By Mr. Calvin: House bill No. 374, An act authorizing the County Treasurer of Labette county to transfer the unexpended balance of bond fund to the general fund of certain townships, cities and school districts of such county.

House bill No. 375, An act to vacate a certain alley in the city of Chetopa.

By Mr. James, of Shawnee: House bill No. 376, An act to provide for locating, establishing and constructing ditches, draws and water-courses in townships.

By Mr. Taylor: House bill No. 377, An act to authorize the Board of County Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river, in Clay county.

By Mr. Walker: House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor.

By Mr. Hodge: House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county.

By Mr. Bissell: House bill No. 380, An act to amend section 15, chapter 122, Laws of 1876, being "An act for the regulation and support of public schools."

By Mr. Price: House bill No. 381, An act regulating the fees and compensation of clerks of the district court, and repealing chapters 94 and 121, Laws of 1875.

#### REPORT OF STANDING COMMITTEE.

By consent, Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding the indebtedness of said county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole.

E. C. MANNING, *Chairman.*

## PRESENTATION OF PETITIONS.

By consent, Mr. Bronson presented petition of E. N. Shutt and 20 others, against House bill No. 229, regulating freights and passenger rates. Referred to Committee on Railroads.

By consent, Mr. Corbin presented petition of 75 citizens of Montgomery county, praying that House bill No. 229 become a law. Referred to Committee on Railroads.

By consent, Mr. Cool presented petition of citizens of Cloud county, praying for a certain amendment to the State constitution. Referred to Committee on Assessment and Taxation.

By consent, Mr. Morgan presented a petition from 115 citizens of Chase county, asking their Senator and Representative to vote for the Riggs railroad bill (No. 229), and praying for its passage, and asking that their names be stricken from the remonstrance against the passage of that bill, because their signatures were secured before they had read the bill. Referred to Committee on Railroads.

By consent, Mr. Cunningham presented petition of M. A. McLelland and 11 others, citizens of Atchison county, praying for the passage of a law permitting resident tax-payers to vote in aid of railroad subsidies. Referred to Committee on Railroads.

By consent, Mr. Eastland presented petition of Edward Detwin and 200 other citizens of Russell county, Kansas, praying the Legislature to enact a law prohibiting railroads from unjust discrimination in tariffs and fares in favor of competing points, as against non-competing points. Referred to Committee on Railroads.

By consent, Mr. McMillen presented petition of sundry citizens of Douglas county, praying for a certain amendment to the State constitution. Referred to Committee on Temperance.

By consent, Mr. Armstrong presented petition of sundry citizens of Wyandotte county, praying for a certain amendment to the State constitution. Referred to Committee on Temperance.

By consent, the remonstrance of G. W. Louts and 131 others, against the passage of House bill No. 229, was referred to Committee on Temperance.

By consent, Mr. Lawson presented petition of citizens of Reno county, remonstrating against railroad legislation. Referred to Committee on Railroads.

By consent, Mr. Lawson presented petition of citizens of Reno

county, in relation to ditches and sluice-ways. Referred to Committee on Agriculture.

By consent, Mr. Brinkman presented petition concerning House bill No. 229. Referred to Committee on Railroads.

By consent, Mr. Price presented petition and claim of Robert Forbiger, for \$149.95 for conveying prisoners to the State Penitentiary. Referred to Committee on Ways and Means.

By consent, Mr. Sallee offered House concurrent resolution No. 36, requesting Senators and Representatives in Congress from the State of Kansas to take the necessary action to secure the payment of "posse" scrip, issued to citizens of Kansas for services rendered in assisting the United States Marshal to enforce obedience to writs issued from United States courts, which was laid over under the rules.

### THIRD READING OF BILLS.

Mr. Legate moved that the rules be suspended, and that substitute for House bill No. 138, An act to authorize and empower the county of Douglas to settle and re-fund its railroad bonded indebtedness, and House bill No. 196, An act authorizing and empowering the county of Leavenworth to take up and re-fund its railroad indebtedness, and to repeal chapter 123 of the Session Laws of 1877, be considered engrossed and ordered to a third reading now.

The motion prevailed, and House bill No. 196 was read the third time.

Mr. Kollock offered the following amendment: "In the first line of the first section, after the word 'Leavenworth,' insert 'and the county of Marion.'"

The amendment was declared out of order, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 103; constitutional majority, 65. Yeas, 102; nays, 1; absent or not voting, 26.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eg-

gers, Ellison, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Mr. Manning voted in the negative.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Barber, Bishop, Brown, Clark, Clogston, Congdon, Cool, Ewing, Fisler, Hall, Hewins, Humes, Leonard, Loy, Majors, McKay, Parsons, Randolph, Raybell, Scott, Wait of Lincoln, Wait of Linn, Wilson of Jackson, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness, was read the third time.

By consent, the following words were stricken from the last clause of section 10: "And they shall be entitled to receive a reasonable compensation for such services, and for the time necessarily spent in carrying out the objects of this act," and insert the following: "And shall be entitled to receive for their personal services and personal expenses, in carrying out the object of this act, such sum as may be allowed by the Probate Judge of said court upon a verified itemized statement of such services and expenses, and no other sum."

And the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65, Yeas, 99; nays, 1; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin,



Alexander, Anderson of Cherokee, Anderson of Shawnee, Ballard, Barrackman, Berry, Bevins, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hodge, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Gilmore voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Armstrong, Baker, Barber, Beaty, Bishop, Bissell, Clapp, Congdon, Cool, Eckles, Ewing, Farris, Fisler, Godfrey, Hankins, Hewins, Hossack, Huffaker, Leonard, Majors, Manning, McClintick, Parsons, Randolph, Robb, Wait of Lincoln, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Hodge moved a reconsideration of the vote by which House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, was lost.

Mr. Biddle moved that the motion to reconsider be laid on the table.

The motion to lay on the table did not prevail.

The motion to reconsider prevailed.

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 113; constitutional majority, 65. Yeas, 74; nays, 39; absent or not voting, 16.



Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Bevins, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Butts, Callen, Clapp, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Thos. P.), Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Norton, Henderson, Hodge, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Kollock, Legate, Loy, McCrumb, Miller, Morgan, Myers, Parsons, Price, Prunty, Riggs, Robb, Sallee, Seaton, Selover, Shaw, Spilman, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Barber, Barrackman, Biddle, Blanchard, Bronson, Clark, Clogston, Cool, Corbin, Cunningham, Gable (Frank M.), Games, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Humes, Hutchison, Lawson, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Moore, Rath, Raybell, Richards, Rood, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Tucker, Wait of Linn, and White.

Gentlemen absent or not voting were: Messrs. Berry, Bishop, Calvin, Congdon, Fisler, Helmick, Hewins, Keller, Leonard, Majors, Manning, Randolph, Rice, Scott, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### SECOND READING AND REFERENCE OF BILLS.

On motion of Mr. Smith, of Marshall, the rules were suspended, and bills on the calendar and bills introduced to-day were read a second time, and referred to appropriate committees, as follows:

##### *To the Committee on Roads and Highways:*

Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove.

House bill No. 350, An act to amend an act entitled "An act to authorize the construction of levees and drains," approved March 3d, 1870, and supplemental thereto.

House bill No. 355, An act vacating certain alleys in the city of Cawker City, in the county of Mitchell and State of Kansas.

House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county.

House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor.

House bill No. 375, An act to vacate a certain alley in the city of Chetopa.

House bill No. 377, An act to authorize the County Commissioners of Clay county to appropriate funds to aid in building a bridge over the Republican river, in Clay county.

*To the Committee on Ways and Means:*

Senate bill No. 62, An act authorizing mining corporations to improve and cultivate the surface of such land as they may have in possession.

House bill No. 353, An act making appropriations to the State Board of Agriculture for deficiency of 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881.

*To the Committee on Judiciary:*

House bill No. 351, An act to establish a more just rate of compensation for the services of the executive and judicial officers of the State of Kansas, and to conform such compensation to specie standard at the present time.

House bill No. 352, An act conferring the right of majority on David Rikkenback and Samuel Rikkenback, minors.

House bill No. 369, An act for the regulation and support of common schools.

House bill No. 368, An act conferring the rights of majority on Solomon Reim, a minor.

House bill No. 371, An act to legalize the acts of the School Board of District No. 13, Linn county, Kansas.

House bill No. 381, An act regulating the fees and compensation of clerks of the district court, and repealing chapters 94 and 121, Laws of 1875.

*To the Committee on Insurance:*

House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policyholders.

*To the Committee on County Lines and County Seats:*

House bill No. 356, An act authorizing attaching the county of Kearney to Ford county for judicial purposes.

*To the Committee on Criminal Jurisprudence:*

House bill No. 357, An act to amend an act entitled "An act to establish a code of criminal procedure," being an act to amend section 227 of chapter 82, Laws of 1868.

*To the Committee on Municipal Corporations:*

House bill No. 359, An act providing for and regulating the salary and compensation of certain township officers therein named, and relating to township officers.

House bill No. 366, An act to prescribe certain duties of probate judges and county clerks, in counties of 25,000 inhabitants and upwards.

*To the Committee on Agriculture:*

House bill No. 360, An act to amend an act entitled "An act relating to stock," being chapter 105 of the General Statutes of 1868.

House bill No. 361, An act relating to barbed-wire fences.

House bill No. 376, An act to provide for locating, establishing and constructing ditches, drains and water-courses in townships.

*To the Committee on Municipal Indebtedness:*

House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay the interest and principal upon certain township bonds, and to fix the maximum thereof.

House bill No. 372, An act authorizing the County Commissioners of Kingman county to issue bonds to pay outstanding indebtedness.

*To the Committee on Manufactures:*

House bill No. 373, An relating to liens of employés at manufacturing establishments.

*To the Committee on Education:*

House bill No. 374, An act authorizing the County Treasurer of Labette county to transfer the unexpended balance of school-bond fund to the teachers' fund of certain townships, cities and school districts of such county.

House bill No. 380, An act to amend section 15, chapter 122,

of the Laws of 1876, being "An act for the regulation and support of common schools."

*To the Committee of the Whole House:*

House bill No. 370, An act for the encouragement of agriculture.

Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 13, chapter 122, Laws of 1876, section 5, chapter 124, Laws of 1874, chapter 124, Laws of 1876, and chapter 44, Laws of 1877, was read the first and second time, and referred to the Committee on Municipal Indebtedness.

Mr. Armstrong moved that the rules be suspended, and House bill No. 296, An act regulating the time of holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools, be made the special order for Tuesday next, at 2 o'clock P. M. The motion did not prevail.

Mr. Clapp moved that the rules be suspended, and that the House hold a special session at 7:30 o'clock, for the purpose of considering the several orders on the calendar. The motion prevailed.

REPORTS OF STANDING COMMITTEES.

By consent, Mr. Robb, chairman of the Committee on Claims, submitted the following report:

MR. SPEAKER: Your Committee on Claims, to whom was referred House bill 289, An act for the relief of Ford county, Kansas, and to make an appropriation to pay the costs in certain criminal cases, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be amended as follows, to wit: That after the word "purposes," in line 15, the following words be inserted: "Clark, Mead, Seward, Stevens, Kansas, Hamilton, Stanton, Grant, Arapahoe, Foote, Hodgeman, Buffalo, Sequoyah, Kearney, Scott, Lane, and Wichita counties;" and at the end of section 1, add: "*Provided*, That such payment shall be in full for all claims of Ford county on account of cases tried therein from unorganized counties." And the committee recommend that the bill, as amended, be passed. JAMES ROBB, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 11, An act to change the name of Henry Frundlich to Henry Friendlich, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 34, An act to change the name of Philip Wendzell to that of Philip Wendell, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 11.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 40, An act to change the name of A. C. Stretch to A. C. Sims, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 11.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 78, An act to change the name of Andrew J. VanValkenburg to Andrew Walton, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 11.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 76, An act to repeal chapter 145, Laws of 1877, being "An act in relation to the transfer of real estate in the name of the owner," have had the same under considera-



tion, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 97, An act regulating the interest on money, and providing penalties for violation thereof, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 134, An act to change the name of Frank Woodworth to Frank Hull, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 11.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 184, An act to change the names of Arletta Gillen, Wood Gillen and Grace Gillen, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, the same being incorporated in substitute for House bill No. 11.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 199, An act to amend sections 1 and 3 of an act entitled "An act to regulate taxation in the change of boundary lines," approved March 3, 1873, and being chapter 142 of the Laws of 1873, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, and not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 240, An act to amend section 156 of chapter 25 of the General Statutes of Kansas, and supplemental thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 282, An act to dissolve the organization of a county herein named, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without printing.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 337, An act to establish the times of holding courts in the several counties of the Fourteenth Judicial District of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

Reference recommended to be made was so ordered.

By consent, House bill No. 176, An act to enable Lyon county to build certain bridges therein named, was re-referred to the Committee on Judiciary.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following report:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 91, An act to authorize and provide for the erection and completion of the west wing of the State House, and issuing the bonds of the State, and appropriating the proceeds thereof for that purpose, have had the same under consideration, and instruct me to report the bill back to the House with the statement that the subject-matter of the bill is included in substitute for Senate bill No. 30, which has been acted upon

by the joint Committee on Ways and Means, and reported to the Senate.

C. E. FAULKNER, *Chairman*.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 171, An act providing for the consolidation of adjacent cities, and for the repeal of chapter 48 of the Laws of 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following report:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 241, An act to amend section 28 of chapter 105 of the General Statutes of 1868, relating to bulls and boars, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. W. LOY, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following report:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 265, An act relating to the salary of the County Attorney of Ford county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, for the reason that the object can be attained by an amendment to House bill No. 236.

H. C. BULL, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation,

to whom was referred House bill No. 6, An act to provide for the redemption of real estate sold for taxes to any city or county, and remaining unredeemed, and the certificate untransferred, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

JOHN S. GILMORE, *Chairman.*

#### ANNOUNCEMENTS.

The following announcements were made:

By authority vested in me, I hereby appoint J. H. Bonsall clerk of the Committee on State Affairs of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Bonsall came forward, and subscribed to the following affirmation:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly affirm that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Clerk of the Committee of State Affairs of the House, to the best of my ability, and this I do under the pains and penalties of perjury.

(Signed) J. H. BONSTALL.

Subscribed and affirmed to before me, this 20th day of February, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

By authority vested in me, I hereby appoint Miss M. A. Prather Sixth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Prather came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Sixth Assistant Enrolling Clerk of the House, to the best of my ability. So help me God.

(Signed) M. A. PRATHER.

Subscribed and sworn to before me, this 20th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

#### COMMUNICATION FROM THE CAPITAL GUARDS.

HEADQUARTERS CAPITAL GUARDS, }  
TOPEKA, KANSAS, February 19, 1879. }

*Hon. Sidney Clarke, Speaker of the House of Representatives:*

SIR: We extend to you and the members and officers of the House of Representatives a cordial invitation to attend a military assembly and ball, to be given by our company this evening, February 20, at Guards' Hall, in this city.

By order of the Company.

WIRT W. WALTON, *President.*

Attest: DELL. A. VALENTINE, *Secretary.*

#### PRESENTATION OF PETITIONS.

By consent, Speaker Clarke presented the petition of H. S. Hocking and 60 others, citizens of Walton, Harvey county, Kansas, praying that the dramshop act be so amended as that its provision shall apply to all towns and cities alike, without distinction of class. Referred to Committee on Temperance.

By consent, Mr. Faulkner presented a petition of 220 citizens of Saline county, Kansas, praying that the dramshop act be amended as suggested in the Governor's message. Referred to Committee on Temperance.

By consent, Mr. Kennedy presented the petition of George Brenner and W. H. Nesbit, of Doniphan City, protesting against any change in the law regulating the sale of liquor. Referred to Committee on Temperance.

On motion of Mr. Legate, at 12:15 o'clock P. M., the House adjourned.

---

#### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 20, 1879. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrack-



man, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson. of Nemaha, Woodard, Wright and Speaker Clarke.

Gentlemen absent: Messrs. Baker, Bishop, Boggs, Briggs, Callen, Clapp, Congdon, Eckles, Farris, Greever, Hall, Hamilton of Marshall, Hankins, Hewins, Hutchison, Keller, Kollock, Leonard, McClintick, Randolph, Scott, Tucker, White, and Wilson of Jackson.

Quorum present.

Mr. Fisler was excused from attendance this afternoon, on account of sickness.

On motion of Mr. Waite, of Pawnee, the special order for 2 o'clock P. M., being House bill No. 100, was continued, and allowed to retain its place on the calendar.

By consent, the special order for 3 o'clock, being House bill No. 234, An act making an appropriation for a military contingent fund, was continued, and allowed to retain its place on the calendar.

#### SPECIAL ORDER.

The hour having arrived for the consideration of special order for 10:30 A. M., the House went into committee of the whole, with Mr. Hodge in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had

under consideration the special order, being House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, and instruct me to report the same back to the House, with sundry amendments thereto; report progress thereon, and ask leave to sit again at 10:30 A. M. to-morrow.

J. M. HODGE, *Chairman.*

On motion, the report was accepted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed further consideration of House concurrent resolution No. 33, authorizing the appointment of a clerk to the Committee on Revision.

Also, House concurrent resolution No. 35, appointing joint committee to provide clerical force for Senate and House.

HENRY BRANDLEY, *Secretary.*

Leave of absence was granted for the balance of the session this evening to the members of the Committee on Ways and Means.

Mr. Legate moved that the rules be suspended, and that substitute for House bill No. 38, An act to authorize and empower municipalities to adjust, compromise and settle their indebtedness, be placed at the head of general order for the session this evening. The motion did not prevail.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Robb, chairman of the Committee on Claims, submitted the following reports:

MR. SPEAKER: Your Committee on Claims, to whom was referred substitute for Senate bill No. 27, An act for the relief of R. T. Snediker, of Lyon county, Kansas, for moneys erroneously paid on purchase of school lands, have had the same under consideration, and instruct me report the bill back to the House with the recommendation that it be amended as follows, to wit: At the end of section 2—"Provided, That no warrant shall issue to R. T. Snediker until he shall surrender his certificate of sale

to the County Treasurer of Lyon county for cancellation." And the committee recommend that the bill, as amended, be passed.

JAMES ROBB, *Chairman*.

MR. SPEAKER: Your Committee on Claims, to whom was referred House bill No. 339, An act for the relief of Pawnee county, Kansas, and to make an appropriation to pay the costs in certain criminal cases, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be amended, as follows, to wit: That after the word "purposes," in line 14, the following words be inserted, "Clark, Meade, Seward, Stevens, Kansas, Hamilton, Stanton, Grant, Arapahoe, Foote, Hodgeman, Buffalo, Sequoyah, Kearney, Scott, Lane and Wichita counties;" and at the end of section 1, add: "*Provided*, That such payment shall be in full of all claims of Pawnee county on account of costs paid therein from unorganized counties up to date;" and the committee recommend that the bill, as amended, be passed.

JAMES ROBB, *Chairman*.

On motion of Mr. Waite, of Pawnee, Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas on account of the Indian raid of 1878, was referred to the Committee on Ways and Means.

On motion of Mr. Riggs, at 6:30 o'clock P. M., the House adjourned.

## EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 20, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bruner, Calvin, Clogston, Cool, Cunningham, Danhaur, Eckles, Ellison, Ewing, Farris, Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton,

Hankins, Helmick, Huffaker, Humes, Hutchison, James of Shawnee, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Rice, Richards, Robb, Rood, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Berry, Bevins, Biddle, Briggs, Bronson, Brown, Bull, Butts, Callen, Clapp, Clark, Congdon, Corbin, Donahue, Eastland, Eggers, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Hartshorne, Henderson, Hewins, Hodge, Hossack, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Legate, Manning, McClintick, McMillen, Parsons, Randolph, Raybell, Riggs, Sallee, Scott, Seaton, Selover, Shaw, Spilman, Towle, Tucker, Wait of Lincoln, Watson, White, Wilson of Jackson, and Wright.

Quorum present.

Mr. Anderson, of Ellsworth, was excused on account of sickness, and Mr. Donahue was excused for a part of the evening.

Speaker Clarke, by request of the chairman of the Committee on Ways and Means, presented a petition asking a Congressional appropriation of \$2,000 to build a bridge over Salt creek, in Lincoln county. Referred to Committee on Federal Relations.

#### SPECIAL ORDER.

The House then went into committee of the whole, with Mr. Stumbaugh in the chair, for consideration of bills on the calendar.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calender, and instruct me to report them back with the following recommendations:

House joint resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, and House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, with the recommenda-

tion that they be passed over, and retain their place on the calendar.

House bill No. 23, An act defining the boundaries of Barton and Pratt counties, with the recommendation that it be recommended to a special committee of five.

House bill No. 50, An act providing for the confinement at hard labor in the Penitentiary for life of any person three times convicted of any felony or felonies, with the recommendation that it be passed as amended.

House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisement, with the recommendation that it be passed.

Substitute for House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justice court against garnishees," chapter 163, Laws of 1872, providing the manner of service in certain cases, with the recommendation that it be passed.

Substitute for House bill No. 80, An act providing for the payment of the indebtedness of any divided township, with the recommendation that it be passed over, retaining its place on the calendar.

Substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, with the recommendation that it be passed as amended by the committee.

House bill No. 107, An act to amend section 78 of chapter 60, of the Laws of 1871, it being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class," with the recommendation that it retain its place on the calendar.

House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps, with amendments thereto, and the recommendation that it be passed as amended.

F. S. STUMBAUGH, *Chairman.*

On motion of Mr. Legate, the report was adopted.

On motion, the House adjourned.

WIRT W. WALTON, *Chief Clerk.*



## TWENTY-NINTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 21, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Breyfogle, Brinkman, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Hutchison, Keller, Kelley, Lawson, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Bevins, Blanchard, Briggs, Bronson, Congdon, Corbin, Greever, Greiffenstein, Hankins, Henderson, Hewins, Humes, James of Shawnee, James of Wyandotte, Kennedy, Kollock, Legate, Leonard, Loy, McClintick, Myers, Tucker, Wait of Lincoln, Wilson of Jackson, and Woodward.

Quorum present.

Pending the reading of the journal of yesterday, on motion further reading was dispensed with.

The Speaker announced the following special committee on House bill No. 20, An act defining the boundaries of Barton and

Pratt counties: Messrs. Biddle, Anderson of Cherokee, Eastland, James of Shawnee, and McMillen.

By consent, Mr. Rice offered the following resolution :

*Resolved*, That all appropriation bills that have been reported favorably by the Committee on Ways and Means be placed at the head of the calendar in their regular order. Laid over under the rules.

Mr. Armstrong moved that the rules be suspended, and the resolution considered now. The motion was declared out of order.

#### SPECIAL ORDER FOR 10:30 A. M.

The House then went into committee of the whole, with Mr. Hodge in the chair, for the consideration of the special order.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report :

MR. SPEAKER: Your committee of the whole House have had under consideration House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, and have instructed me to report the same back with sundry amendments thereto, and recommend that it be passed as amended.

J. M. HODGE, *Chairman*.

Mr. Riggs moved the adoption of the report.

Mr. Smith, of Marshall, moved that the report be received at 2 o'clock P. M. to-day, and be made the special order for that hour.

This motion being declared out of order, the motion to adopt prevailed.

#### SPECIAL REPORT.

Mr. Randolph, chairman of the committee on investigation, submitted the following report, as a privileged matter:

*To the House of Representatives of the State of Kansas:*

The House committee on investigation makes the following special report:

That on the 17th day of February, 1879, by order of said committee, a subpoena was issued to E. L. Smith, manager of the Western Union Telegraph Company at Topeka, Kansas, and the

same was duly served upon him, to attend before said committee, in the city of Topeka, on Monday, the 17th day of February, 1879, at 7:30 o'clock P. M. of that day, then and there to give such information touching the subject of inquiry by said committee as might be in his possession, and that the said E. L. Smith was further directed in said subpoena to bring with him before said committee such original telegrams as refer directly to the late election of a United States Senator in the State of Kansas, or which were sent from his office in Topeka, Kansas, from January 24, 1879, to this date, by certain persons whose names are stated in said subpoena, and copies of all telegrams in answer thereto by him, the said Smith, received; also, copies of all telegrams received during the time above mentioned, and upon the subject above named, by the persons whose names are set forth in said subpoena; that the said E. L. Smith has failed, neglected and refused, and that he still fails, neglects and refuses, to obey said subpoena, and to attend before said committee, according to the command thereof; and that the answer made by the said E. L. Smith to the subpoena is hereby annexed, and made a part of this report.

Wherefore your committee makes the foregoing report, and prays the action of the House in the premises.

Respectfully submitted.

A. M. F. RANDOLPH, *Chairman.*

OFFICE OF THE WESTERN UNION TELEGRAPH COMPANY, }  
TOPEKA, KAS., February 20, 1879. }

*Hon. A. M. F. Randolph, Chairman, etc.:*

DEAR SIR: In answer to your subpoena, duly served on me, I most respectfully submit that I hold myself in readiness to appear before your committee at any time you may designate; but as I am in possession of the telegraphic messages of the Western Union Telegraph Company solely by virtue of my position as the manager of the Topeka office, I am compelled, by the rules of the company and the instructions received from its officers, with due respect, to decline to produce any original telegrams in my hands as the custodian of the company, or disclose the contents thereof. I beg to assure you that this decision is not made out of any want of proper respect for the dignity and authority of your honorable body, but on account of the peculiar relations of confidence which exist between the Telegraph Company and its patrons, and its desire to preserve that confidence inviolate.

Very respectfully,

E. L. SMITH, *Manager.*

Mr. Randolph thereupon offered the following resolution, and moved its adoption:

*Resolved*, That the Sergeant-at-Arms of the House be and is hereby instructed to arrest E. L. Smith, for contempt in refusing to respond to the subpoena issued on the 17th day of February, 1879, by the committee appointed under resolution of the House of Representatives to investigate alleged charges of bribery and corruption in the late Senatorial election, and bring him before the bar of the House of Representatives, to answer for such contempt.

The motion prevailed, and the resolution was adopted.

MR. SPEAKER: Mr. F. S. Presbrey having tendered his resignation as clerk of the Committee on Investigation, the same was accepted, and the committee has appointed Mr. E. R. McBride as its clerk.

A. M. F. RANDOLPH, *Chairman*.

TOPEKA, KAS., Feb. 18, 1879.

Mr. McBride came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of clerk of the Committee on Investigation, to the best of my ability. So help me God.

(Signed) E. R. McBRIDE.

Subscribed and sworn to before me, this 18th day of February, 1879.

A. M. F. RANDOLPH,

*Chairman of the Committee on Investigation.*

On motion of Mr. Legate, at 12:10 P. M., the House adjourned.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 21, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Bar-

rackman, Berry, Bevins, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMullen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Beaty, Biddle, Briggs, Brinkman, Clark, Donahue, Gillespie, Hewins, Hall, Hodge, Kollock, Lawson, Loy, Price, Selover, Shaw, Tucker, Wait of Lincoln, Waite of Pawnee, Wilson of Jackson, and Wright.

Quorum present.

By consent, leave of absence was granted to Mr. Kollock, on account of sickness in his family.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 15, chapter 122, Laws of 1876, section 5, chapter 124, Laws of 1874, chapter 124 of Laws of 1876, and chapter 44, Laws of 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

E. C. MANNING, *Chairman*.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate joint resolution No. 1, relating to losses sus-



tained by citizens of Kansas by the Indian raid of 1878, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended in section 3 by the joint Committee on Ways and Means.

C. E. FAULKNER, *Chairman*.

Mr. Robb, chairman of the Committee on Claims, submitted the following report:

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas on account of the Indian raid of 1878, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be passed.

JAMES ROBB, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 168, An act relating to deeds and conveyances, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed, and not printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 198, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 362, An act to authorize money belong-

ing to the interest and sinking funds of certain townships to be transferred to the general fund of such township, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 324, An act relating to attorneys-at-law, and making no distinction between males and females to act as attorneys-at-law in this State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 369, An act for the regulation and support of common schools, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

S. A. RIGGS, *Chairman*.

By consent, Mr. Hodge moved that House joint resolution No. 3, proposing an amendment of section 1, article 11, of the constitution of the State of Kansas, relating to finance and taxation, be stricken from the calendar; and substitute for Senate joint resolution No. 2, amending section 1, article 11, of the constitution of the State of Kansas, relating to property exempt from taxation, be advanced to its place on the calendar. The motion prevailed.

Mr. Legate moved that the special order for to-day at 2 o'clock P. M., being substitute for House bill No. 100, An act to create the Sixteenth Judicial District, to provide for a Judge thereof, and for holding terms of court therein, be made the special order for next Tuesday at 2 o'clock P. M. The motion prevailed.

#### PRESENTATION OF PETITIONS.

By consent, Mr. Callen presented petitions as follows: Of B. M. Robinson and others, of Marion county, remonstrating against the passage of House bill No. 229; of R. C. Coble and others, of Marion county, remonstrating against the passage of House bill No. 229; of C. E. Butterfield and others, of Marion county, remonstrating and protesting against the passage of House bill

No. 229; of J. E. Carey and others, of Marion county, remonstrating against the passage of House bill No. 229; of John S. Christie and others, of Shawnee county, remonstrating against the passage of House bill No. 229—all of which were referred to the Committee on Railroads.

By consent, Mr. Anderson, of Shawnee, presented remonstrance of Guilford Dudley and other heavy tax-payers of Shawnee county, against the passage of the Riggs railroad bill. Referred to the Committee on Railroads.

By consent, Mr. Robb presented a petition on fisheries, etc. Referred to Committee on Revision of Laws.

By consent, House bill No. 324 was placed on general order, with bill reported on favorably by committee.

By consent, Messrs. Selover and Beaty were excused for the day, on account of sickness.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate, and read:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed House bill No. 196, An act to authorize and empower the county of Leavenworth to take up and re-fund its railroad bonded indebtedness, and to repeal chapter 123 of the Session Laws of 1877, with the following amendments thereto attached: Amend by striking out of the 17th line, first page, the words "the city of Leavenworth," and inserting in lieu thereof the words "cities of the first class," and by striking out of line 20 the word "city," and inserting in lieu thereof the words "such cities;" amend section 2 by striking out of line 1, second page, the words "the city," and inserting in lieu thereof the word "cities;" amend section 4 by striking out of the 4th line, on third page, the words "the city," and inserting in lieu thereof the words "such city or cities in said county;" amend section 8, after the word "clerk," in line 7, page seven, by inserting the words "and of such city clerk," and in line 26, page seven, after the word "commissioners," by inserting "or mayor and city council;" amend section 10, after the word "board," in line 3, on page nine, by inserting the words "or mayor and city council," and after the word "county," in line 27, page eight, by inserting the words "and the mayor and city

council of cities of the first class;" amend section 11 by making it read in its proper place, "chapter 88 and," and in the same line strike out the word "is," and insert the word "are," and amend the title so as to read, "An act to authorize and empower the county of Leavenworth, and cities of the first class, to take up and re-fund their railroad bonded indebtedness, and to repeal chapters 88 and 123 of the Session Laws of Kansas for 1877." And respectfully desires your concurrence in said amendments.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 4, An act to amend chapter 34, acts of 1876, to provide for the assessment and collection of taxes.

Also, Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122, of the Laws of 1876, being "An act for the regulation and support of common schools."

Also, Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding section 10 to said article.

Also, House bill No. 60, An act to regulate the practice of medicine in the State of Kansas.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness, with amendment in section 1, striking out "5" and inserting "6" per cent.

HENRY BRANDLEY, *Secretary*.

#### SPECIAL ORDER FOR 2 O'CLOCK P. M.

Mr. Riggs moved that House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, be engrossed for a third reading. The motion prevailed.

Mr. Biddle offered the following amendment to section 1: Providing for one commissioner instead of three. And amending the section so as to change the words from plural to singular.

The question being on the motion to adopt the amendment, the



roll was called, with the following result: Yeas, 44; nays, 66; absent or not voting, 19.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Baker, Barrackman, Biddle, Bishop, Boggs, Bower, Bronson, Brown, Bull, Butts, Clogston, Corbin, Cunningham, Eckles, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Humes, James of Wyandotte, Keller, Legate, Leonard, Martin of Kingman, McClintick, Rice, Robb, Sallee, Seaton, Smith of Marshall, Stitt, Towle, Wait of Linn, Walker, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barber, Berry, Bevins, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bruner, Calvin, Clapp, Clark, Congdon, Cool, Danhaur, Eastland, Eggers, Ellison, Faulkner, Games, Gilmore, Harts-horne, Hankins, Helmick, Hossack, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Richards, Riggs, Rood, Scott, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Waite of Pawnee, Watson, White, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Beaty, Bissell, Callen, Donahue, Gillespie, Greiffenstein, Hall, Henderson, Hewins, Hodge, Kollock, McKay, Price, Randolph, Selover, Shaw, Tucker, Wait of Lincoln, and Wilson of Jackson.

The amendment was not adopted.

Mr. Bull moved to amend section 4, by striking out "\$3,000," and inserting, "\$2,500."

The yeas and nays were demanded, and the roll was called, with the following result: Yeas, 37; nays, 63; not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Baker, Barber, Barrackman, Bishop, Bower, Brinkman, Bronson, Brown, Bull, Clark, Clogston, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gilmore, Harts-horne, Hankins, Helmick, Henderson, Huffaker, Hutchison, James of Shawnee, Keller, Moore, Richards, Rood, Sallee, Scott, Stewart, Stitt, Tallman, Walker, White, Wilson of Nemaha, and Woodard.



Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Ellsworth, Armstrong, Ballard, Biddle, Bissell, Blackman, Blanchard, Breyfogle, Bruner, Butts, Calvin, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Games, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hossack, Humes, James of Wyandotte, Kelley, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Parsons, Prunty, Rice, Riggs, Robb, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stumbaugh, Towle, Waite of Pawnee, Watson, Willey, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Beaty, Berry, Bevins, Boggs, Briggs, Callen, Clapp, Congdon, Donahue, Fisler, Gillespie, Greiffenstein, Hall, Hewins, Hodge, Kennedy, Kollock, McClintick, Price, Randolph, Rath, Raybell, Selover, Shaw, Taylor, Tucker, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

The amendment was not adopted.

Mr. Biddle moved the adoption of the following amendment: Strike out "\$3,000," and insert "\$2,000."

On this the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 50; nays, 53; absent or not voting, 26.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Baker, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Blanchard, Boggs, Bronson, Brown, Butts, Clogston, Cunningham, Eckles, Farris, Games, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Henderson, Humes, Hutchison, James of Wyandotte, Keller, Legate, Leonard, Martin of Kingman, Martin of Labette, McCrumb, Rath, Raybell, Rice, Richards, Robb, Sallee, Seaton, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Walker, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Blackman, Bower, Breyfogle, Brinkman, Bruner, Calvin, Clark, Congdon, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Hankins, Helmick, Hodge, Hossack, Huffaker, Kelley, Kennedy, Lawson,

Loy, Majors, Manning, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Riggs, Rood, Spilman, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Watson, White, Willey, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Barber, Beaty, Briggs, Bull, Callen, Clapp, Donahue, Ewing, Gillespie, Greiffenstein, Hall, Hewins, James of Shawnee, Kollock, McClintick, Parsons, Price, Randolph, Scott, Selover, Shaw, Tucker, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

And so the amendment was not adopted.

On motion of Mr. Legate, the word "previously" was inserted in line 4 of section 3 of the printed bill.

The question was on the motion of Mr. Legate offered in the committee of the whole, to strike out the words and figures "fifteen hundred," and insert the words "twelve hundred," in line 4, section 4, of the printed bill.

On this the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 37; nays, 60; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Berry, Bishop, Bissell, Blanchard, Boggs, Bronson, Bull, Butts, Calvin, Clark, Ewing, Farris, Gable (Frank M.), Games, Hamilton of Marshall, Hamilton of Norton, Helmick, Henderson, Humes, James of Wyandotte, Keller, Martin of Kingman, McClintick, McCrumb, Robb, Rood, Sallee, Seaton, Smith of Marshall, Stewart, Stitt, Walker, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Armstrong, Ballard, Bevins, Biddle, Blackman, Breyfogle, Brinkman, Bruner, Cool, Danhaur, Eastland, Eggers, Ellison, Faulkner, Fisler, Gable (Thos. P.), Gilmore, Godfrey, Greever, Hall, Hartshorne, Hankins, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Richards, Riggs, Smith of Bourbon, Spilman, Stumbaugh, Taylor, Towle, Waite of Pawnee, Watson, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of

Cherokee, Baker, Barber, Barrackman, Beaty, Bower, Briggs, Brown, Callen, Clapp, Clogston, Congdon, Corbin, Cunningham, Donahue, Eckles, Gillespie, Greiffenstein, Hewins, Kollock, Price, Randolph, Rice, Scott, Selover, Shaw, Tallman, Tucker, Wait of Lincoln, Wait of Linn, White, and Wilson of Jackson.

So the amendment did not prevail.

Mr. Legate called up the motion to strike out section 7.

On this the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 23; nays, 75; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Barrackman, Bevins, Bronson, Butts, Clogston, Farris, Godfrey, Greever, Hamilton of Norton, Hosack, Humes, James of Wyandotte, Keller, Legate, Leonard, Martin of Kingman, Seaton, Stitt, Walker, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Biddle, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Brinkman, Bruner, Bull, Callen, Calvin, Clark, Cool, Corbin, Danhaur, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Hall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Rood, Sallee, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Watson, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Beaty, Berry, Boggs, Bower, Briggs, Brown, Clapp, Congdon, Cunningham, Donahue, Eastland, Eckles, Ewing, Fisler, Greiffenstein, Hamilton of Marshall, Hewins, Kollock, Price, Rice, Robb, Scott, Selover, Shaw, Tucker, Wait of Lincoln, Wait of Linn, White, and Wilson of Jackson.

So the amendment was not adopted.

On motion to strike out section 8, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 17; nays, 71; absent or not voting, 41.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Barrackman, Bishop, Callen, Cunningham, Farris, Godfrey, Greever, Hamilton of Norton, Hossack, Humes, Keller, Legate, Leonard, Martin of Kingman, Stitt, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Ballard, Bevins, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Clark, Congdon, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Frank M.), Games, Gilmore, Hall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Rood, Sallee, Smith of Bourbon, Smith of Marshall, Spilman, Stumbaugh, Tallman, Taylor, Waite of Pawnee, Walker, Watson, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Barber, Beaty, Berry, Biddle, Bissell, Boggs, Briggs, Brown, Butts, Calvin, Clapp, Clogston, Donahue, Eckles, Ewing, Faulkner, Fisler, Gable (Thos. P.), Gillespie, Greiffenstein, Hamilton of Marshall, Hewins, James of Wyandotte, Kollock, Loy, Price, Rice, Robb, Scott, Seaton, Selover, Shaw, Stewart, Towle, Tucker, Wait of Lincoln, Wait of Linn, White, and Wilson of Jackson.

And so the amendment was not adopted.

The question recurring on the motion to strike out section 18, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 25; nays, 76; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Biddle, Bishop, Brown, Butts, Callen, Clogston, Cunningham, Eckles, Farris, Godfrey, Greever, Hamilton of Norton, Hossack, Humes, Legate, Leonard, Martin of Kingman, Smith of Bourbon, Seaton, Stitt, Towle, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Ellsworth, Baker, Ballard, Barber, Bevins, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Dan-



haur, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Games, Gilmore, Hall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Waite of Pawnee, Walker, Watson, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Barrackman, Beaty, Berry, Boggs, Briggs, Donahue, Ewing, Fisler, Gable (Thos. P.), Gillespie, Greiffenstein, Hamilton of Marshall, Hewins, James of Wyandotte, Keller, Kollock, Price, Robb, Scott, Selover, Shaw, Tucker, Wait of Lincoln, Wait of Linn, White, and Wilson of Jackson.

And so the motion did not prevail.

The following amendment to section 18, offered in committee of the whole by Mr. Armstrong, was taken up: "*Provided further*, That nothing in this act shall be construed so as to prevent competition at all competing points."

The question being on the adoption of the amendment, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 41; nays, 57; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Armstrong, Berry, Bevins, Biddle, Bishop, Bull, Butts, Callen, Corbin, Cunningham, Donahue, Eckles, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hamilton of Norton, Henderson, Hossack, Humes, James of Wyandotte, Keller, Legate, Manning, Martin of Kingman, McClintick, Sallee, Seaton, Smith of Marshall, Stewart, Stitt, Tallman, Towle, White, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Bruner, Calvin, Clapp, Clark, Clogston, Cool, Danhaur, Eastland, Eggers, Ellison, Faulkner, Games, Hall, Hartshorne, Hankins, Helmick, Huffaker, Hutchison, Kennedy, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore,



Morgan, Myers, Prunty, Rath, Raybell, Rice, Richards, Riggs, Scott, Smith of Bourbon, Spilman, Stumbaugh, Taylor, Waite of Pawnee, Watson, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Barber, Barrackman, Beaty, Boggs, Briggs, Brown, Congdon, Gillespie, Gilmore, Greiffenstein, Hamilton of Marshall, Hewins, Hodge, James of Shawnee, Kelley, Kollock, Leonard, McCrumb, Parsons, Price, Randolph, Robb, Rood, Selover, Shaw, Tucker, Wait of Lincoln, Wait of Linn, Walker, and Wilson of Jackson.

And so the amendment did not prevail.

Mr. Legate's motion to strike out sections 22 and 23 was taken up.

The question being on the adoption of the motion, the yeas and were demanded, and the roll was called, with the following result: Yeas, 22; nays, 75; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Baker, Berry, Bishop, Bronson, Butts, Callen, Cunningham, Fisler, Godfrey, Greever, Hamilton of Norton, Humes, James of Wyandotte, Keller, Legate, Martin of Kingman, Seaton, Stitt, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Barrackman, Bissell, Blackman, Blanchard, Breyfogle, Brinkman, Bruner, Bull, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Faulkner, Gable (Thos. P.), Games, Gilmore, Hall, Hartshorne, Hankins, Helmick, Hender-son, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Riggs, Rood, Sallee, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Watson, White, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Beaty, Bevins, Biddle, Boggs, Bower, Briggs, Brown, Congdon, Donahue, Eckles, Ewing, Farris, Gable (Frank M.), Gillespie, Greiffenstein, Hamilton of Marshall, Hewins, Kollock, Leonard, McCrumb, Price, Randolph, Robb, Scott, Selover, Shaw, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, and Wilson of Jackson.

The amendment was not adopted.

The following amendment to section 27, offered in committee of the whole, by Mr. Manning—"but shall not apply to any railroad, parts of railroads, or extensions of railroads, constructed within the State of Kansas, for a period of five years subsequent to the passage of this bill"—was taken up.

The question being on the motion to adopt the amendment, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 40; nays, 65; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Bevins, Biddle, Bishop, Bissell, Boggs, Bronson, Butts, Callen, Cunningham, Donahue, Eastland, Eckles, Ewing, Farris, Fisler, Gable (Thos. P.), Godfrey, Greever, Hamilton of Norton, Henderson, Hossack, Humes, James of Wyandotte, Keller, Leonard, Loy, Manning, Martin of Kingman, McClintick, McCrumb, Miller, Robb, Sallee, Seaton, Smith of Marshall, Towle, Walker, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barber, Barrackman, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bruner, Calvin, Clapp, Clark, Congdon, Corbin, Danhaur, Eggers, Ellison, Faulkner, Games, Gilmore, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Majors, Martin of Labette, Martin of Miami, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Richards, Riggs, Rood, Scott, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Watson, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Berry, Briggs, Brown, Bull, Clogston, Cool, Gable (Frank M.), Gillespie, Greiffenstein, Hewins, Kollock, Legate, Price, Randolph, Rice, Selover, Shaw, Stitt, Tucker, Wait of Lincoln, White, and Wilson of Jackson.

And so the motion to adopt the amendment did not prevail.

Mr. Riggs moved that the rules be suspended, the bill be considered engrossed, and read the third time now.

The yeas and nays were ordered, and the roll was called, with the following result: Yeas, 74; nays, 38; absent or not voting, 17.

Pending the announcement of the vote, Mr. Riggs moved a call of the House. The motion prevailed.

The roll was called, and the following absentees without leave

were noted: Messrs. Briggs, Brown, Congdon, Hewins, Price, Randolph, Shaw, and Greiffenstein.

The Sergeant-at-Arms was instructed to bring in the absentees.

Mr. Greever moved that further proceedings under the call of the House be dispensed with. This motion was declared out of order.

The Sergeant-at-Arms reported Mr. Congdon.

On motion of Mr Biddle, Mr. Congdon was excused.

Mr Legate moved that further proceedings under the call be dispensed with. The motion prevailed.

The Speaker announced the result of the vote on the motion to suspend the rules as follows: Yeas, 74; nays, 38; absent or not voting, 17.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bruner, Bull, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Danhaur, Eastland, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Games, Gilmore, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Waite of Pawnee, Watson, White, Willey, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Armstrong, Baker, Barrackman, Berry, Bevins, Biddle, Bishop, Boggs, Bronson, Butts, Callen, Corbin, Cunningham, Donahue, Eckles, Farris, Fisler, Gable (Thos. P.), Godfrey, Greever, Hamilton of Norton, Henderson, Hossack, Humes, James of Wyandotte, Legate, Leonard, Manning, Martin of Kingman, McClintick, Seaton, Smith of Marshall, Stitt, Towle, Wait of Linn, Walker, and Wright.

Gentlemen absent or not voting were: Messrs. Beaty, Briggs, Brown, Gillespie, Greiffenstein, Hewins, Keller, Kollock, McCrumb, Price, Randolph, Selover, Shaw, Tucker, Wait of Lincoln, Wilson of Jackson, and Wilson of Nemaha.

And so the motion did not prevail.

Mr. Manning moved that the House adjourn. The motion did not prevail.

Mr. Riggs moved that the special order be continued until 7:30 o'clock to-night. The motion prevailed.

Mr. Waite, of Pawnee, moved that the special order on House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, be continued until 10 o'clock A. M. to-morrow. The motion prevailed.

Mr. Waite, of Pawnee, moved that the House do now adjourn.

The motion prevailed, and at 6:30 o'clock P. M., the House adjourned.

---

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 21, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barber, Barrackman, Berry, Bevins, Biddle, Bissel, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hossack, Humes, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Shawnee, Baker, Beaty, Bishop, Briggs, Callen, Clark, Congdon, Eastland, Faulkner, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne,



Hewins, Hodge, Huffaker, Hutchison, Keller, Kollock, Loy, McClintick, McCrumb, Price, Randolph, Riggs, Selover, Shaw, Smith of Marshall, Taylor, Tucker, Wait of Lincoln, Walker, White, and Wilson of Jackson.

Leave of absence was granted sundry members as follows: To Messrs. Gillespie and Price, on account of sickness; to Messrs. Selover, Shaw, Briggs, Watson, Miller, and Henderson, until Monday at 3 o'clock P. M.; and to Assistant Doorkeeper, on account of illness.

Mr. Legate called up from Senate message House bill No. 196, An act to authorize and empower the county of Leavenworth to take up and re-fund its railroad bonded indebtedness, and to repeal chapter 123 of the Session Laws of 1877, to consider Senate amendments. The bill was so amended as to strike out "city of Leavenworth," and insert "cities of the first class," and insert after chapter,— "88 and;" also, by striking out in line 2 the words "such cities;" strike out of line 1, in section 2, the words "the city," and insert the word "cities;" strike out in line 4 of section 4 the words "the city," and insert the words "such city or cities in said county;" amend section 8 by inserting after the word "clerk" the words "such city clerks;" also, in line 26, after the word "commissioner," insert "or mayor and city council;" amend section 10 by inserting in line 27, after the word "county," the words "and the mayor and city council of cities of the first class;" also, in line 3, page nine, insert the words "or mayor and city council," after the word "board;" amend section 11 by striking out in line 14 the word "chapter," and inserting "chapter and;" and in the same line strike out "is," and insert "are."

The question being, Shall the House concur in Senate amendments? the roll was called, with the following result: Yeas, 76; nays, 0; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barrackman, Berry, Bevins, Bissell, Blackman, Boggs, Breyfogle, Bronson, Brown, Bruner, Bull, Clapp, Clark, Congdon, Cool, Corbin Cunningham, Donahue, Eckles, Ewing, Farris, Fislser, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hankins, Henderson, Hossack, Hutchison, James of Wyandotte,



Kelley, Kennedy, Legate, Loy, Martin of Kingman, Martin of Miami, McKay, Miller, Moore, Morgan, Parsons, Prunty, Rath, Raybell, Richards, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Ballard, Barber, Beaty, Biddle, Bishop, Blanchard, Bower, Briggs, Brinkman, Butts, Callen, Calvin, Clogston, Danhaur, Eastland, Eggers, Ellison, Faulkner, Gillespie, Greiffenstein, Hall, Hartshorne, Helmick, Hewins, Hodge, Hufaker, Humes, James of Shawnee, Keller, Kollock, Lawson, Leonard, Majors, Manning, Martin of Labette, McClintick, McCrumb, McMillen, Myers, Price, Randolph, Rice, Riggs, Selover, Shaw, Smith of Marshall, Taylor, Tucker, Wait of Lincoln, Walker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of concurring in Senate amendments to the bill, the amendments were concurred in.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Armstrong moved that House bill No. 296 be made the special order for next Monday night at 7:30 o'clock.

Mr. Riggs moved that House bill No. 229 be ordered engrossed for a third reading. The motion prevailed.

Mr. Riggs moved that the special order on House bill No. 229 be continued until to-morrow at 10 o'clock A. M. The motion prevailed.

Mr. Biddle offered the following resolution, which was adopted:

*Resolved*, That the special committee appointed; and to whom was referred House bill No. 23, have power to swear and examine witnesses.

The question recurring on the motion of Mr. Armstrong, to make House bill No. 296 the special order for next Monday evening at 7:30 o'clock, Mr. Armstrong amended his motion so as to provide that the rules be suspended, and House bill No. 296 be considered now.

Mr. Sallee moved that House bill No. 38 be included.

On motion of Mr. James, of Wyandotte, the amendment to the amendment was laid on the table.

By consent, Senate bill No. 4, An act to amend chapter 34,

acts of 1876, to provide for the assesment and collection of taxes, was read a first and second time, and under a suspension of the rules, was referred to the Committee on Judiciary.

By consent, leave of absence was granted to Messrs. Congdon, Danhaur and Clark, for to-night.

#### COMMITTEE OF THE WHOLE.

Mr. James, of Wyandotte, moved that the House resolve itself into committee of the whole, for the consideration of bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Manning in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

Senate joint resolution No. 2, amending section 1, article 11, of the constitution of the State of Kansas, relating to property exempt from taxation, with amendments thereto, and the recommendation that it be passed as amended.

House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, with the recommendation that it be passed over, and retain its place on the calendar.

House bill No. 107, An act to amend section 78 of chapter 60 of the Laws of 1871, it being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class," with the recommendation that it be passed over, retaining its place on the calendar.

Substitute for House bill No. 80, An act providing for the payment of the indebtedness of any divided township, with the recommendation that the enacting clause be stricken out.

House bill No. 112, An act to amend "An act for the regulation and support of common schools," approved March 4, A. D. 1876, with the recommendation that it be passed as amended.

House bill No. 95, An act to legalize the levy of taxes made in the year A. D. 1878, in the city of Great Bend, Barton county, Kansas, a city of the third class, to pay the Brinkman judgment,

and the levy of taxes made in said city in said year to pay the Wilder judgment, with the recommendation that the enacting clause be stricken out.

Recommend that the following bills be passed over, and retain their places on the calendar:

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State.

House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor.

House bill No. 124, An act for the relief of G. H. McConnell.

House bill No. 101, An act fixing the terms of the district court in the counties composing the Ninth Judicial District.

Substitute for House bill No. 16, An act to empower county commissioners to levy a special tax to pay outstanding warrants.

And recommend that the following bills be passed:

House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale.

Substitute for Senate bill No. 7, An act making appropriations to furnish the Topeka Insane Asylum, and to provide for the current expenses thereof, during the fractional portion of the fiscal year ending June 30, 1879.

House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, Kansas.

Recommend the passage of the following bills, with the annexed amendments:

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

House bill No. 159, An act to provide for building and repairing bridges in counties having 25,000 inhabitants or more.

House bill No. 170, An act to change part of a certain street, and to vacate a certain alley in the city of Wichita, Sedgwick county, Kansas.

Also, House bill No. 109, An act to amend "An act declaring

sectional lines in the several counties herein named public highways," approved February 26, 1876, and amended by an act approved March 3, 1868, with the recommendation that it be passed as amended, and subject to amendment and debate.

Also, substitute for House bill No. 65, An act to amend section 2 of an act approved March 2, 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads," with amendments thereto, and recommend that it be passed as amended, subject to amendment and debate.

E. C. MANNING, *Chairman*.

On motion, the report was accepted.

On motion of Mr. Biddle, bills reported on favorably by the committee were ordered engrossed.

By consent, House bill No. 383, An act to authorize the purchase of additional grounds for the Insane Asylum at Topeka, and to make an appropriation for the payment of the same, was read the first and second time, and referred to the Committee on Ways and Means.

By consent, Mr. Ewing introduced House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness, was read the first and second time, and referred to the Committee on Municipal Indebtedness.

By consent, Mr. Rath introduced House concurrent resolution No. 37, requesting certain action with reference to the institution of a suit for the purpose of settling the title to certain indemnity lands. Laid over under the rules.

By consent, Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

By consent, Speaker Clarke introduced House bill No. 382, An act to authorize executors and administrators with the will



annexed to convey real estate in pursuance of power contained in the will.

The rules were suspended, and the bill was read the first and second time, and referred to the Committee on Judiciary.

By consent, leave of absence was granted to Mr. Robb until Monday.

On motion of Mr. Cool, the House, at 11:10 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk*.

## THIRTIETH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 22, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Alexander, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Biddle, Bishop, Bissell, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Callen, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Games, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Parsons, Prunty, Randolph, Richards, Riggs, Rood, Sallee, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Baker, Barber, Beaty, Berry, Bevins, Blackman, Blanchard, Briggs, Bull, Calvin, Clapp, Clogston, Eastland, Eckles, Farris, Faulkner, Gable (Thos. P.), Gillespie, Gilmore,



Greiffenstein, Hewins, Hodge, Hossack, Hutchison, Kelley, Kennedy, Kollock, Legate, McClintick, McCrumb, Morgan, Myers, Price, Rath, Raybell, Rice, Robb, Scott, Selover, Shaw, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, and Wilson of Jackson.

Quorum present.

By consent, leave of absence was granted Mr. Donahue, on account of sickness; to Messrs. Barber and Seaton until Monday at 3 o'clock P. M., and to Mr. Towle until next Tuesday.

The Journal Clerk being absent with the journal, on motion of Mr. Legate its reading was dispensed with.

(Cause of absence, difference of time in clocks.—CHIEF CLERK.)

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Clogston, chairman of the Committee on Criminal Jurisprudence, submitted the following reports:

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 121, An act to amend sections 77 and 82 of chapter 60 of the Laws of 1871, being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 146, An act to amend section 111 of chapter 31 of the revised laws of 1868, being "An act relating to offenses against property," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 268, An act supplemental to an act defining crimes and punishments, being an act entitled "An act relating to offenses against property," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, for the reason that the committee has a bill under consideration covering the same subject.

J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 310, An act amendatory

of "An act to provide for the time for holding court in the Fifth Judicial District," approved March 3, 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. B. CLOGSTON, *Chairman.*

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 366, An act to prescribe certain duties of probate judges and county clerks in counties containing 25,000 inhabitants or more, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman.*

Mr. Blackman, chairman of the Committee on Education, submitted the following reports:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 323, An act to authorize the Board of County Commissioners of Reno county to transfer certain funds of school districts to other funds in the same districts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman.*

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman.*

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 364, An act in relation to the support of common schools, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman.*

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 374, An act authorizing the County

Treasurer of Labette county to transfer the unexpended balance of bond funds to the general fund of certain townships, cities and school districts of such county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 380, An act to amend section 15, of chapter 122 of the Laws of 1876, being "An act for the regulation and support of common schools," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. A. BLACKMAN, *Chairman*.

Mr. Huffaker, chairman of the Committee on Charitable Institutions, submitted the following reports:

MR. SPEAKER: Your Committee on Charitable Institutions, to whom was referred Senate bill No. 8, An act to organize and regulate the Insane Asylums of the State, and repealing chapter 9 of the General Statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House without recommendation. T. S. HUFFAKER, *Chairman*.

MR. SPEAKER: Your Committee on Charitable Institutions, to whom was referred Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane, have had the same under consideration, and instruct me to report the bill back to the House without recommendation. T. S. HUFFAKER, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisal, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed. GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 50, An act providing for the confinement at hard labor in the Penitentiary for life of any person

three times convicted of any felony or felonies, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 69, An act to amend an act authorizing proceeding in justices' courts against garnishees—chapter 163, Laws of 1872—providing the manner of service in certain cases, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. White, chairman of the Committee on Insurance, submitted the following report:

MR. SPEAKER: Your Committee on Insurance, to whom was referred House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policy-holders, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed. G. L. WHITE, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 174, An act to amend section 3 of an act



entitled "An act for the appointment of a Commissioner of Fisheries, and for the protection of fish in the waters of the State of Kansas," and the repeal of section 3, chapter 117, Laws of 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 360, An act to annul an act entitled "An act relating to stock," being chapter 105 of the General Statutes of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 361, An act relating to barbed-wire fences, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, also submitted the following:

MR. SPEAKER: Your committee, to whom was referred the letter of the Hon. J. A. Hedges, Secretary of the Mississippi Valley Cane-Growers' Association, together with samples of sugar and molasses, have had the same under consideration, and would respectfully recommend that the sugar and molasses be given to Hon. Alfred Gray, Secretary of the State Board of Agriculture, with a request that he place samples of each of these productions of amber cane in his department, for preservation, and forward the remainder, with accompanying letter and papers, to the Superintendent of the Farm Department of the State Agricultural College.

J. W. LOY, *Chairman*.

#### COPY OF LETTER.

MISSISSIPPI VALLEY CANE-GROWER'S ASSOCIATION, }  
CORRESPONDING SECRETARY'S OFFICE, }  
No. 2117 BROADWAY, ST. LOUIS, MO., Feb. 17, 1879. }

*Hon. Speaker House of Representatives, Kansas Legislature:*

DEAR SIR: I send you herewith, by express, a package of Early Amber cane sugar, and also a small jar of the molasses thrown from it by means of a small centrifugal machine, constructed for hand work.

I send this by permission of the producer, the Hon. Seth H. Kinsey, a



member of the Missouri Legislature, who made it from cane grown upon his farm at Morristown, Rice county, Missouri.

This sample becomes more interesting when it is known that it was the result of only ordinary operations, without skill or scientific appliances, and only boiled for syrup; besides, the very wet season put the crop in unfavorable condition, and late, requiring the cane to be worked before being well matured, to avoid the frost. He found it, however, granulating so fully that he could not get it from the barrel, and seeing my name connected with a movement for holding a convention of cane growers in this city, he shipped me two barrels of the "stuff," as he called it, with a request that I should see what I could do with it.

The result has been as you see by this sample. I have sent home some sixty pounds, after distributing it freely among the members of our association and citizens, all of whom express great satisfaction. It is rated to compare favorably with the Louisiana sugars, by our refiners.

My object in placing this before you is two-fold: *First*, That your honorable associates may see what has been done in Missouri, and what can be done in Kansas; and I would suggest that you require your Agricultural College Faculty to establish a department for this crop, and study it thoroughly, all the way from the seed to the sugar-bowl. Obtain all the varieties of cane seed to be had, study the soil and culture and mode of manufacture; teach the boys and girls the whole science and practice, to the end that they may return home well qualified not only to make such sugar, but be prepared to impart instruction to their neighbors, and thereby guard them against misdirection or imposition by those having for sale great untried discoveries. The lack of tried experts that may emanate from your college, is what is most to be feared. The present condition of our agriculturists is such that this will come to them as a boon much to be prized; hence they may rush headlong into it, without the skill to make it a paying success.

The second object I have in view, is to apprise your people of our movement with a view to coöperation, as our interests are mutual. We have organized a central association for the purpose of pressing this industry to a thorough success. We have the advantage of a great sugar works for a market, whose managers are in full sympathy with us, and will afford us all reasonable facilities for investigation. We have elected for our expert and scientist, Mr. Geo. W. Belcher, the gentlemanly superintendent of the refinery; our President is the Hon. John Walker (late our Railroad Commissioner); Treasurer, E. W. Douglas, of the firm of Kingsland, Furgeson & Co., of this city. Our membership fee is merely nominal—one dollar—which can be sent to our Treasurer.

Our purpose is to make a series of scientific tests during the year, upon samples of sugar syrup, and also upon the cane juices as they approach maturity, in order to determine at what stage of growth there is present the greatest per cent. of cane sugar. Upon this point there exists a wide difference of opinion, which it is essential to settle. Besides, such tests

may save many from inspissating their syrup to the granulating degree, when it does not possess sufficient crystalizable sugar to pay. This can be determined by the use of the polariscope.

We are preparing for the press a Northern Cane-Grower's Manual, of 208 pages, in cloth, that will contain a digest of the convention proceedings, and be what its title indicates. Price, \$1,00 per copy, by mail.

Respectfully yours,

J. A. HEDGES, *Corresponding Secretary.*

Mr. Morgan, chairman of the Committee on Printing, submitted the following report:

MR. SPEAKER: Your Committee on Printing, to whom was referred House bill No. 314, An act to provide for the publication of the laws in county newspapers in the State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and passed. W. A. MORGAN, *Chairman.*

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 355, An act vacating certain alleys in the city of Cawker City, in the county of Mitchell and State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman.*

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 350, An act to amend an act entitled "An act to authorize the construction of sewers and drains," approved March 3, 1870, and supplemental thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Agriculture.

FRANK M. GABLE, *Chairman.*

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman.*

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 48, An act authorizing the Board of County Commissioners of Atchison county to improve roads in said county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 375, An act to vacate a certain alley in the city of Chetopa, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge and appropriate moneys therefor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 334, An act to legalize the official acts of A. P. Boswell as Trustee of Parker township, in Montgomery

county, Kansas, and as County Commissioner of Montgomery county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed. S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 382, An act to authorize executors and administrators with the will annexed to convey real estate in pursuance of power contained in the will, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

By consent, leave of absence was granted to the special committee on House bill No. 23, An act defining the boundaries of Barton and Pratt counties, to sit during the morning session of the House.

#### PRESENTATION OF PETITIONS.

By consent, the following petitions were presented, and referred:

By Mr. Godfrey: Of 107 citizens of Sumner county, protesting against the passage of the Riggs railroad bill (House bill No. 229), which was referred to the Committee on Railroads.

By Mr. Cool: Praying for an appropriation for Capt. B. C. Saunders's company of State militia, stationed at Lake Sibley, in the year 1868, to protect the frontier. Referred to the Committee on Militia.

By Mr. Bronson: Of J. A. McGinnis and 123 other citizens of Butler county, praying for the passage of a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Wilson, of Nemaha: Of M. L. Wilson and 129 other citizens of Nemaha county, praying for an amendment to the dramshop act. Referred to the Committee on Temperance.

By Mr. Alexander: Of Mrs. M. O. Spencer and 138 others, praying that the dramshop act apply alike to all cities and towns of the State. Referred to Committee on Temperance.

On motion of Mr. Waite, of Pawnee, House bill No. 320, An act to amend section 16, article 14 of chapter 122 of the Laws of 1876, and House bill No. 239, An act making appropriation to provide for the current expenses of the Institution for the Education of the Deaf and Dumb, for the fiscal years ending June



30, 1880, and June 30, 1881, were referred to the Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced, and read the first time:

By Mr. McMillen: House bill No. 385, An act to vacate a portion of a State road.

By Mr. Legate: House bill No. 386, An act conferring the rights of majority on Henrich Dall, a minor.

By Mr. McClintick: House bill No. 387, An act to legalize the incorporation of the city of McPherson, Kansas, and the subsequent acts of its City Council.

Mr. Callen moved that House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties, be made the special order for next Tuesday at 7 o'clock P. M. The motion did not prevail.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 10, An act to provide for the enrollment of the military, for the organization of the National Guard of the State of Kansas, and for the public defense.

And has adopted Senate concurrent resolution No. 26, relating to suits to be instituted by the Attorney General against R. D. Mobley and F. H. Drenning.

HENRY BRANDLEY, *Secretary*.

By consent, Senate amendment to substitute for House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness, was taken up, and read, as follows: Strike out, in line 17 of section 1, the word "five," and insert "six."

The question being, Shall the House concur in the Senate amendment? the roll was called, with the following result: Yeas, 88; nays, 0; absent or not voting, 41.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Ellsworth, Armstrong, Ballard, Barrackman, Biddle, Bishop, Bissell, Blackman, Bower, Breyfogle, Bronson, Brown, Bruner, Clark, Clogston, Congdon, Cool, Cunningham,



Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Richards, Riggs, Sallee, Scott, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Baker, Barber, Beaty, Berry, Bevins, Blanchard, Boggs, Briggs, Brinkman, Bull, Butts, Callen, Calvin, Clapp, Corbin, Danhaur, Gillespie, Gilmore, Godfrey, Greiffenstein, Helmick, Hewins, Hossack, Kelley, Kollock, Lawson, Leonard, Price, Raybell, Robb, Rood, Selover, Shaw, Stewart, Stumbaugh, Towle, Tucker, and Wait of Lincoln.

And so, the constitutional majority having voted in the affirmative, the Senate amendments were concurred in.

#### PROCEEDINGS IN CASE OF CONTEMPT.

Whereas, it appears that by the journal of yesterday, from report submitted to the House by Mr. Randolph, chairman of the committee on investigation, that E. L. Smith, manager at Topeka of the Western Union Telegraph Company, is a defaulting witness, in contempt, and that the following subpoena was issued by the Speaker of the House to the Sergeant-at-Arms of the same, and on which due return is this day made:

#### COPY OF SUBPENA.

HOUSE OF REPRESENTATIVES,  
TOPEKA, KAS., Feb. 21, 1879. }

*Hon. Wm. Higgins, Sergeant-at-Arms, House of Representatives:*

SIR: On the 21st day of February, 1879, the House of Representatives adopted a resolution, as follows:

*"Resolved, That the Sergeant-at-Arms be and is hereby instructed to arrest E. L. Smith, for contempt, in refusing to respond to the subpoena issued on the 17th of February, 1879, by the committee appointed under resolution of the House of Representatives to investigate alleged charges*

of bribery and corruption in the late Senatorial election, and bring him before the bar of the House of Representatives, to answer for such contempt."

Now, therefore, in compliance with the above resolution, you are hereby directed to take into custody the said E. L. Smith, and have him before the bar of the House of Representatives at 10 o'clock A. M. on Saturday, February 22d, 1879, to answer for said contempt, and abide the further order of the House.

SIDNEY CLARKE,

*Speaker of the House of Representatives.*

Attest: WIRT W. WALTON, *Chief Clerk.*

The following is the return of the Sergeant-at-Arms, indorsed on the above warrant of arrest:

TOPEKA, KAS., February 22, 1879.

MR. SPEAKER: The within warrant for the arrest of E. L. Smith has been properly served, and the prisoner is now before the bar of the House of Representatives, awaiting its action.

WM. HIGGINS, *Sergeant-at-Arms.*

The Sergeant-at-Arms announced that he had executed the order of the House, arrested E. L. Smith, and that he was now before the House.

Mr. Randolph offered the following resolution, and moved the previous question thereon, which was sustained:

*Resolved*, That E. L. Smith, of the city of Topeka, Kansas, now in the custody of the Sergeant-at-Arms, on an attachment for a contempt in refusing or neglecting obedience to the summons (*subpena duces tecum*) before the investigating committee of the House of Representatives of the State of Kansas, be now arraigned at the bar of the House, and that the Speaker propound to him the following interrogatories:

1. What excuse have you for refusing to answer before the committee on investigation of this House, in pursuance of the summons served on you for that purpose?

2. Are you now ready to appear before said committee and answer such proper questions as shall be put to you by said committee, and to produce the telegrams required by the summons (*subpena duces tecum*) served on you?

The resolution was adopted.

The Sergeant-at-Arms presented E. L. Smith before the bar of the House, where the questions provided for in the resolution were propounded to him.

The following is the answer of the defendant:

*To the Hon. Sidney Clarke, Speaker of the House of Representatives:*

SIR: I most respectfully submit that the action taken by the House of Representatives requiring your Sergeant-at-Arms to bring me before the bar of the House to answer for contempt in not appearing before the committee of which the Hon. A. M. F. Randolph is chairman, is based upon a misapprehension of my communication to Mr. Randolph of date 20th inst. I did not decline or refuse to go before the committee. In my communication to Mr. Randolph I used this language: "I hold myself in readiness to appear before your committee at any time you may designate." I had been instructed by the management of the Western Union Telegraph Company to decline to produce any original telegrams in my possession as the custodian thereof for the company, and so informed the committee; but I should have appeared, nevertheless, at any time on notice or request, and would have answered any and all questions put to me by the committee not involving the rights or duties of the Telegraph Company to preserve the confidence existing between such company and its patrons.

The Telegraph Company has advised me that it had forwarded by mail a communication enclosing the answer which it desires me to make in its behalf in support of its right to withhold from any tribunal original messages, or contents of original messages, intrusted to it for transmission from one person to another. Such communication has not yet been received, and I cannot, therefore, now submit the answer which the Telegraph Company desires submitted.

I would further respectfully inform you that the Western Union Telegraph Company has employed Mr. W. C. Webb as its attorney, and has instructed me to ask that he be permitted to appear for such company, and for me, before the investigating committee and the House of Representatives, as such attorney, to represent the views and protect the interests of said company in the matters involved in the company's protest against producing such original messages or disclosing their contents.

Most respectfully, &c.,

E. L. SMITH, *Manager.*

TOPEKA, KAS., Feb. 22, 1879.

Mr. Randolph offered the following resolution, and moved the previous question, which was sustained.

*Resolved*, That the said E. L. Smith be committed to and detained in close custody by the Sergeant-at-Arms in the Capitol during the remainder of the session, or until discharged by the further order of the House, to be taken when he shall have purged the contempt upon which he was arrested, by testifying before the committee authorized to continue the investigation, and produce the telegrams required by the summons served on him.

The question being on the motion to adopt the foregoing resolution, the yeas and nays were demanded, and the roll was called, with the following result: Yeas, 63; nays, 47; absent or not voting, 19.

Gentlemen voting in the affirmative were: Messrs. Armstrong, Baker, Barrackman, Bevins, Bissell, Butts, Callen, Clapp, Clogston, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hodge, Huffaker, Hutchison, James of Wyandotte, Keller, Kennedy, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Rood, Scott, Spilman, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gilmore, Godfrey, Hankins, Hossack, Humes, James of Shawnee, Lawson, Manning, McClintick, McCrumb, Richards, Sallee, Seaton, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Walker, Willey, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Barber, Beaty, Bishop, Briggs, Bull, Congdon, Gable (Thos. P.), Gillespie, Henderson, Hewins, Kelley, Kollock, Price, Robb, Selover, Shaw, Towle, Tucker, and Wilson of Jackson.

And so the resolution was adopted.

#### SPECIAL ORDER.

The hour for the special order having arrived, being the consideration of House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, Mr. Riggs moved the previous question, on the final passage of the bill.

The motion prevailed; whereupon the bill was read the third



time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 109; constitutional majority, 65. Yeas, 58; nays, 51; absent or not voting, 20.

Pending the announcement of the result, Mr. Riggs moved a call of the House. The motion prevailed.

The absentees were noted, and the Sergeant-at-Arms directed to bring in the absentees.

The Sergeant-at-Arms reported, and on motion further proceedings under the call were dispensed with.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Blackman, Blanchard, Breyfogle, Brinkman, Bruner, Calvin, Clapp, Clark, Danhaur, Eastland, Eckles, Eggers, Ellison, Faulkner, Games, Gilmore, Hall, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Hutchison, James of Shawnee, Kennedy, Lawson, Majors, Manning, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Richards, Riggs, Rood, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Waite of Pawnee, Watson, White, Willey, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Boggs, Bower, Bronson, Brown, Butts, Clogston, Cool, Corbin, Cunningham, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hossack, Humes, James of Wyandotte, Keller, Legate, Leonard, Loy, Martin of Kingman, McClintick, McCrumb, Raybell, Rice, Sallee, Scott, Seaton, Smith of Marshall, Stitt, Wait of Linn, Walker, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Barber, Beaty, Briggs, Bull, Callen, Congdon, Donahue, Gillespie, Hamilton of Marshall, Henderson, Hewins, Kelley, Kollock, Price, Robb, Selover, Shaw, Towle, Tucker, and Wilson of Jackson.

And so, less than a constitutional majority having voted in favor of the passage of the bill, the bill did not pass.

(Speaker Clarke announced that he voted in the negative for the purpose of moving a reconsideration of the vote, if necessary, at a future day.)



Mr. Manning moved that the House do now adjourn. The motion did not prevail.

Mr. Legate moved that the House adjourn until Monday at 3 o'clock P. M., upon which the previous question was demanded, and ordered.

The question then being on the motion to adjourn, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 85; majority under the rule, 43. Yeas, 24; nays, 61; absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Ballard, Bevins, Butts, Clark, Eggers, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Hamilton of Norton, Hartshorne, Hodge, Hossack, Keller, Majors, Martin of Miami, Rice, Richards, Seaton, Spilman, and Stewart.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Barrackman, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Bruner, Callen, Calvin, Cool, Corbin, Cunningham, Danhaur, Eastland, Ellison, Faulkner, Fisler, Games, Gilmore, Godfrey, Greiffenstein, Hankins, Henderson, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Lawson, Leonard, Loy, Manning, McClintick, McKay, McMillen, Miller, Moore, Myers, Rath, Raybell, Sallee, Scott, Smith of Marshall, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Baker, Barber, Beaty, Berry, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Clapp, Clogston, Congdon, Donahue, Eastland, Gillespie, Hamilton of Marshall, Helmick, Hewins, Kelley, Kollock, Legate, Martin of Kingman, Martin of Labette, McCrumb, Morgan, Parsons, Price, Prunty, Randolph, Riggs, Robb, Rood, Selover, Shaw, Smith of Bourbon, Stitt, Stumbaugh, Towle, Tucker, Watson, White, Wilson of Jackson, and Wright.

And so the motion did not prevail.

Mr. Randolph offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish the Sergeant-at-Arms with a room within the Capitol building in which to confine the defaulting witness, Mr. E. L. Smith, and to furnish all such furniture for said room as shall be necessary for

the comfort and convenience of the prisoner; and also to provide for him such food and drink as shall be necessary for him.

On motion, the resolution was adopted.

On motion, leave of absence was granted to Messrs. Riggs, Hall, and Breyfogle, until Monday at 3 o'clock P. M.

At the hour of 12:35 o'clock, on motion of Mr. Humes, the House adjourned.

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 22, 1879. }  
2 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentleman present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clark, Cool, Corbin, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Miami, McCrumb, McKay, McMillen, Moore, Myers, Parsons, Prunty, Rath, Raybell, Rice, Rood, Sallee, Scott, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Armstrong, Barber, Beaty, Breyfogle, Briggs, Brinkman, Callen, Clogston, Congdon, Cunningham, Danhaur, Donahue, Farris, Gable (Frank M.), Gillespie, Greifenstein, Hall, Hamilton of Marshall, Hewins, James of Wyandotte, Keller, Kelley, Kollock, Martin of Labette, McClintick, Miller, Morgan, Price, Randolph, Richards, Riggs, Robb, Seaton, Selover, Shaw, Stewart, Taylor, Towle, Tucker, Wait of Lincoln, Watson, and Wilson of Jackson.

On motion, leave of absence was granted to Messrs. Ballard and Price, on account of sickness, to Mr. Stewart until Monday at 3 o'clock P. M., and to Mr. Hamilton, of Marshall, until Tuesday at 2 o'clock P. M.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 79, An act to repeal an act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate.

Senate bill No. 71, An act to repeal chapter 122 of the Session Laws of 1872, relating to probate courts.

Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A. T. & S. F. Railroad Company which is now held or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township.

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same.

Senate bill No. 72, An act enabling counties to make donations or appropriations to railroad or public improvement out of surplus revenue.

Senate bill No. 58, An act in relation to the State Historical Society.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE HOUSE.

Mr. Waite, of Pawnee, moved that the House resolve itself into committee of the whole, for the consideration of House bill No. 234, and bills on the calendar, which motion prevailed.

The House went into committee of the whole, with Mr Smith, of Marshall, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, with the recommendation that it be passed as amended, and that it be placed on third reading, subject to further amendment and debate.

Also, that the following bills be passed over, and allowed to retain their places on the calendar:

House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties.

House bill No. 61, An act for the relief of defaulting purchasers of school lands.

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies, and common carriers in this State.

House bill No. 107, An act to amend section 78 of chapter 60, of the Laws of 1871, it being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class."

Also, House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals or stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor, with the recommendation that it be passed as amended by the committee.

W. W. SMITH, *Chairman*.

On motion, the report was accepted.

On motion of Mr. Humes, the bills just reported favorably were ordered to a third reading.

Mr. Legate moved that substitute for House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties, be made the special order for Tuesday evening next at 7:30 o'clock. The motion prevailed.



Mr. Kennedy moved that the House adjourn.

The yeas and nays were demanded and had, with the following result: Yeas, 30; nays, 50; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Anderson of Ellsworth, Baker, Blackman, Blanchard, Bower, Clogston, Cool, Cunningham, Ellison, Farris, Faulkner, Games, Gilmore, Greever, Hankins, Helmick, Kennedy, Majors, McKay, Moore, Myers, Parsons, Prunty, Raybell, Spilman, Stumbaugh, Waite of Pawnee, Willey, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barrackman, Berry, Bevins, Bishop, Bissell, Boggs, Bronson, Brown, Bull, Butts, Callen, Corbin, Danhaur, Eckles, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Hamilton of Norton, Hartshorne, Henderson, Humes, Hutchison, James of Wyandotte, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Miami, McClintick, McCrumb, Rath, Sallee, Scott, Smith of Bourbon, Smith of Marshall, Stitt, Tallman, Wait of Lincoln, Wait of Linn, Watson, White, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Beaty, Biddle, Breyfogle, Briggs, Brinkman, Bruner, Calvin, Clapp, Clark, Congdon, Donahue, Eastland, Eggers, Gillespie, Greiffenstein, Hall, Hamilton of Marshall, Hewins, Hodge, Hossack, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Lawson, Martin of Labette, McMillen, Miller, Morgan, Price, Randolph, Rice, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Spilman, Stewart, Taylor, Towle, Tucker, Walker, and Wilson of Jackson.

The motion did not prevail.

Mr. Clark moved that the House adjourn until Monday at 3 o'clock P. M., which motion did not prevail.

#### APPOINTMENTS.

The Speaker announced the following appointments:

By authority vested in me, I hereby appoint Maggie Cheeny Seventh Assistant Engrossing Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Cheeny came forward, and subscribed to the following oath:



STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Seventh Assistant Engraving Clerk of the House of Representatives, to the best of my ability. So help me God.

(Signed) MAGGIE CHEENY.

Subscribed and sworn to before me, this 22d day of February,  
 A. D. 1879. SIDNEY CLARKE,  
*Speaker of the House.*

By authority vested in me, I hereby appoint Mrs. Mary E. Neff Seventh Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,  
*Speaker of the House.*

Mrs. Neff came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Seventh Assistant Enrolling Clerk of the House of Representatives, to the best of my ability. So help me God.

(Signed) MARY E. NEFF.

Subscribed and sworn to before me, this 22d day of February,  
 A. D. 1879. SIDNEY CLARKE,  
*Speaker of the House.*

By authority vested in me, I hereby appoint Fannie Ferguson Eighth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,  
*Speaker of the House.*

Miss Ferguson came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
 SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and

faithfully discharge the duties of Eighth Assistant Enrolling Clerk of the House, to the best of my ability. So help me God.

(Signed) FANNIE FERGUSON.

Subscribed and sworn to before me, this 22d day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Legate moved to reconsider the vote by which House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars, failed to pass.

Mr. Humes moved to lay the motion on the table.

Whereupon Mr. Stumbaugh moved that the House do now adjourn, upon which motion the yeas and nays were demanded and had, with the following result: Yeas, 50; nays, 37; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Blackman, Blanchard, Bower, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Eastland, Ellison, Faulkner, Games, Gilmore, Hartshorne, Hankins, Helmick, Hodge, Hutchison, Kennedy, Lawson, Loy, Majors, Martin of Miami, McClin-tick, McKay, McMillen, Moore, Myers, Parsons, Prunty, Raybell, Scott, Smith of Bourbon, Spilman, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Waite of Pawnee, White, Willey, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Shawnee, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Boggs, Bronson, Brown, Bruner, Butts, Callen, Eckles, Ewing, Farris, Fisler, Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hamilton of Norton, Henderson, Humes, James of Wyandotte, Legate, Leonard, Martin of Kingman, Sallee, Smith of Marshall, Stitt, Wait of Linn, Walker, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Ballard, Barber, Beaty, Breyfogle, Briggs, Brinkman, Bull, Congdon, Donahue, Eggers, Gable (Frank M.), Gillespie, Hall, Hamilton of Marshall, Hewins, Hossack, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Manning, Martin of Labette, McCrumb, Miller,

Morgan, Price, Randolph, Rath, Rice, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Stewart, Towle, Tucker, Watson, and Wilson of Jackson.

So the House, at 5:40, adjourned.

WIRT W. WALTON, *Chief Clerk.*

## THIRTY-FIRST DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 24, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. Mr. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Lawson, Legate, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Myers, Parsons, Prunty, Rood, Sallee, Scott, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Shawnee, Ballard, Barber, Beaty, Breyfogle, Briggs, Brinkman, Brown, Callen, Corbin, Donahue, Farris, Gillespie, Greiffenstein, Hall, Hewins, James of Shawnee, Keller, Kelley, Kennedy, Kollock, Majors, Martin of Kingman, McClintick, Miller, Morgan, Price, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Seaton,

Selover, Shaw, Stewart, Towle, Tucker, Walker, Watson, Wilson of Jackson, and Wright.

Quorum present.

On motion, leave of absence was granted Mr. Greiffenstein, on account of sickness.

By consent, Mr. McClintick was granted leave of absence until Friday next, and Mr. Bevins was granted leave indefinitely, on account of sickness in his family.

The journal of Saturday was read, corrected, and approved.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Eckles: Of 205 citizens of Rice county, praying that the dramshop act be so amended as to apply to all towns and cities alike. Referred to Committee on Temperance.

By Mr. Leonard: Of certain citizens of Cowley county, praying that the provisions of the dramshop act be so amended as to apply alike to all cities and towns. Referred to Committee on Temperance.

By Mr. Spilman: Of 115 citizens of Riley county, praying for the enactment of a strict prohibitory liquor law. Referred to Committee on Temperance.

By Mr. Butts: Of two hundred and fifty citizens of Jefferson county, praying for a temperance law. Referred to Committee on Temperance.

By Mr. Manning: Of Mrs. Mary Kirk and 86 other residents of Cowley county, praying for an amendment to the dramshop act. Referred to Committee on Temperance.

By Mr. Bruner: Of citizens of Johnson county, praying for the enactment of a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Hartshorne: Of citizens of Neosho county, praying for an amendment to the herd law. Referred to the Committee on Agriculture.

By Mr. Godfrey: Of several citizens of Sumner county, protesting against the passage of the Riggs railroad bill (House bill No. 229). Referred to the Committee on Railroads.

By Mr. Stumbaugh: Of citizens of Rush county, praying for the enactment of a law which will give the settlers in newly-

organized counties the benefits of public schools. Referred to the Committee on Education.

By Mr. Stumbaugh: Of citizens of Rush county, praying for the passage of a bill allowing their County Commissioners to fund the floating debt of said county. Referred to the Committee on Municipal Indebtedness.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time:

By Mr. Parsons: House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875.

By Mr. Waite, of Pawnee: House bill No. 389, An act to amend section 13, article 2 of school laws.

By Mr. Wait, of Linn: House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

By Mr. Stumbaugh: House bill No. 391, An act authorizing private persons to lay off and establish cemeteries.

By Mr. Hartshorne: House bill No. 392, An act to adjust and equalize the compensation of county officers, and to conform the same to the money standard of the times.

By Mr. Blanchard: House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county.

By Mr. Godfrey: House bill No. 394, An act to legalize the survey of Tell W. Walton in Wellington, Sumner county, Kansas.

By Mr. James, of Shawnee: House bill No. 395, An act to amend section 44, chapter 34 of the Session Laws of 1876, and providing for the assessment of certain tracts of land in the vicinity of cities by numbers.

House bill No. 396, An act to legalize certain acts of J. M. Sheafor, of Shawnee county, as Notary Public.

By Mr. Spilman: House bill No. 397, An act to amend an act entitled "An act to revise and amend chapter 26, Laws of 1869, providing for the organization and government of cities of the third class," approved March 2, 1871.

#### CONSIDERATION OF MESSAGES FROM THE SENATE.

The following Senate bills were read the first time:

Senate bill No. 79, An act to repeal an act in relation to the collection of delinquent taxes on real estate bid off by counties



and cities at tax sales, and providing for a sale of such real estate.

Senate bill No. 72, An act enabling counties to make donations or appropriations to railroads or public improvement out of surplus revenue.

Senate bill No. 58, An act in relation to the State Historical Society.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same.

Senate bill No. 71, An act to repeal chapter 122 of the Session Laws of 1872, relating to probate courts.

Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the Atchison, Topeka & Santa Fé Railroad Company which is now held or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township.

Senate bill No. 48, An act relating to the admission of persons to practice of law.

Senate bill No. 55, An act in relation to the death penalty, and to amend "An act to establish a code of civil procedure," and supplemental thereto.

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same.

Senate bill No. 35, An act amendatory and supplemental to section 16, article 14, chapter 122 of the Laws of 1876, being "An act for the regulation and support of common schools."

Senate bill No. 10, An act to provide for the enrollment of the military, for the organization of the National Guards of the State of Kansas, and for the public defense.

Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding section 10 to said article.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time, and referred to appropriate committees, as follows:

*To the Committee on Roads and Highways:*

House bill No. 385, An act to vacate a portion of a State road.

House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same.

*To the Committee on Judiciary:*

House bill No. 386, An act conferring the rights of majority on Heinrich Dall, a minor.

House bill No. 396, An act to legalize the official acts of J. M. Sheafor, of Shawnee county, as Notary Public.

House bill No. 394, An act to legalize the survey of Tell W. Walton, in Wellington, Sumner county, Kansas.

Senate bill No. 71, An act to repeal chapter 122 of the Session Laws of 1872, relating to probate courts.

Senate bill No. 72, An act enabling counties to make donations or appropriations to railroad or public improvement out of surplus revenue.

Senate bill No. 48, An act relating to the admission of persons to practice of law.

Senate bill No. 55, An act in relation to the death penalty, and to amend an act to establish a code of civil procedure, and supplemental thereto.

*To the Committee on Municipal Corporations:*

House bill No. 387, An act to legalize the incorporation of the city of McPherson, Kansas, and subsequent acts of its City Council.

Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A. T. & S. F. Railroad Company which is now held or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township.

House bill No. 397, An act for the encouragement of agriculture.

*To the Committee on Assessment and Taxation:*

House bill No. 395, An act to amend section 44 of chapter 34 of the Session Laws of 1876, and providing for the assessment of certain tracts of land in the vicinity of cities, by numbers.

Senate bill No. 79, An act to repeal an act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate.

*To the Committee on Fees and Salaries:*

House bill No. 392, An act to adjust and equalize the compensation of county officers, and to conform the same to the money standard of the times.

House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875.

*To the Committee on Private Corporations:*

House bill No. 391, An act authorizing private persons to lay off and establish private cemeteries.

*To the Committee of the Whole House:*

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

*To the Committee on Education:*

House bill No. 389, An act to amend section 13, article 2, of the school laws.

Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122, of the Laws of 1876, being "An act for the regulation and support of common schools."

*To the Committee on Temperance:*

Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding section 10 to said article.

*To the Committee on Municipal Indebtedness:*

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same.

*To the Committee on State Affairs:*

Senate bill No. 58, An act in relation to the State Historical Society.

Senate bill No. 10, An act to provide for the enrollment of the military, for the organization of the National Guards of the

State of Kansas, and for the public defense, was read a second time.

Mr. Legate moved that the bill be considered engrossed, and read a third time, and put upon its final passage.

Upon this motion, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 68; majority under the rule, 46. Yeas, 41; nays, 27; absent or not voting, 61.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Bevins, Bishop, Boggs, Bronson, Bruner, Butts, Clapp, Clark, Cool, Eastland, Eckles, Ellison, Farris, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hamilton of Norton, Hartshorne, Hankins, Henderson, Huffaker, Hutchison, Kennedy, Legate, Loy, Manning, Martin of Labette, Moore, Smith of Bourbon, Smith of Marshall, Stitt, Willey, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Baker, Bissell, Blackman, Bower, Bull, Callen, Cunningham, Eggers, Games, Helmick, Hodge, Lawson, Majors, Martin of Miami, McCrumb, McKay, McMillen, Sallee, Scott, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Blanchard, Breyfogle, Briggs, Brinkman, Brown, Calvin, Clogston, Congdon, Corbin, Danhaur, Donahue, Ewing, Faulkner, Fisler, Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Leonard, Martin of Kingman, McClintick, Miller, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Stewart, Towle, Tucker, Walker, Watson, Wilson of Jackson, and Woodard.

So the motion to suspend the rules and consider the bill engrossed did not prevail.

Ordered that it be referred to the Committee on Militia.

Mr. Biddle moved that the rules be suspended, and that substitute for House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas, for the purpose



of paying the indebtedness of the State of Kansas, assumed and provided for by act approved February 26, 1867, being "An act to provide for the assumption and settlement of the claims growing out of the Price raid claims of 1864, and the Indian expedition under Major General Curtis in July and August, 1864," he made the special order for 7:30 o'clock P. M. to-day. The motion prevailed.

By unanimous consent, Mr. Sallee introduced House bill No. 398, An act to authorize county commissioners to contract roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal all acts and parts of acts in conflict therewith, which was read a first and second time, under a further suspension of the rules, and referred to the Committee on Roads and Highways.

#### REPORTS OF STANDING COMMITTEES.

Mr. Legate, chairman of the Committee on Federal Relations, submitted the following reports:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred House concurrent resolution No. 24, asking Congress to donate the United States reservation known as the Fort Riley military reservation to the State of Kansas, for the purpose of erecting State Capitol buildings thereon, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be rejected, not believing it wise to disturb the present location of the State Capital.

JAMES F. LEGATE, *Chairman*.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred House joint resolution No. 6, proposing an amendment to section 1 of article 8 of the constitution of the State of Kansas, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be passed.

JAMES F. LEGATE, *Chairman*.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred House bill No. 301, An act to restrain vagrancy and common beggary, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JAMES F. LEGATE, *Chairman*.



Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 353, An act making appropriations to the State Board of Agriculture for deficiency of 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the statement that the subject-matter thereof has been incorporated in the executive and judiciary department bill. C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 275, An act making appropriation for the Leavenworth State Normal School for the fiscal years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 135, An act making an appropriation to rebuild the State Normal School building at Emporia, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute be passed, as prepared by the joint Committee on Ways and Means.

C. E. FAULKNER, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 109, An act to amend "An act declaring sectional lines in the several counties herein named public highways," approved February 26, 1867, and amended by an act approved March 3, 1868, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 159, An act to provide for building and repairing bridges in counties having 25,000 inhabitants or more, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 170, An act to change part of a certain street, and to vacate a certain alley in the city of Wichita, Sedgwick county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 112, An act to amend "An act for the regulation and support of common schools," approved March 4, A. D. 1876, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 88, An act to authorize the County

Commissioners of Jefferson county to provide for building a certain bridge, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 65, An act to amend section 2 of an act approved March 2, 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 377, An act to authorize the Board of Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river, in Clay county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

FRANK M. GABLE, *Chairman*.

Mr. Butts, chairman of the Committee on County Lines and County Seats, submitted the following reports:

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 3, An act to amend an act entitled "An act defining the boundaries of counties," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed

W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and passed.

W. C. BUTTS, *Chairman*.

MR. SPEAKER: Your Committee on County Lines and County Seats, to whom was referred House bill No. 365, An act to define

and establish the boundary line between Labette and Cherokee counties, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and passed. W. C. BUTTS, *Chairman*.

#### MESSAGES FROM THE SENATE.

Senate concurrent resolution No. 21 was taken up. The resolution reads as follows:

*Resolved by the Senate, the House of Representatives concurring,* That the Attorney General of the State is hereby directed to institute suits against the bondsmen of R. D. Mobley and Frank H. Drenning, late agents of the State of Kansas for the sale of railroad lands, to recover all moneys paid them for lands as such agents, and not covered into the treasury.

On motion, the resolution was concurred in.

Senate concurrent resolution No. 22, in relation to the business of the session, was read; whereupon Mr. Legate moved to amend by striking out the proviso, upon which motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 68; majority under the rule, 35. Yeas, 24; nays, 44; absent or not voting, 61.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Blanchard, Bruner, Bull, Callen, Clark, Clogston, Ewing, Farris, Gable (Thos. P.), Greever, Hamilton of Norton, Hodge, Kennedy, Legate, Martin of Labette, Raybell, Rood, Smith of Marshall, Spilman, Stumbaugh, Waite of Pawnee, Wilson of Jackson, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Barrackman, Berry, Bevins, Biddle, Blackman, Boggs, Bower, Bronson, Calvin, Cool, Cunningham, Danhaur, Eastland, Eggers, Ellison, Gable (Frank M.), Games, Godfrey, Hartshorne, Huffaker, Hutchison, Lawson, Leonard, Loy, Manning, Martin of Miami, McKay, McMillen, Moore, Myers, Parsons, Prunty, Sallee, Smith of Bourbon, Stitt, Taylor, Wait of Lincoln, Wait of Linn, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Beaty, Bishop, Bissell, Breyfogle, Briggs, Brinkman, Brown, Butts, Clapp, Congdon, Corbin, Donahue, Eckles, Faulkner, Fisler, Gillespie, Gilmore, Greiffenstein,



Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hewins, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Majors, Martin of Kingman, McClintick, McCrumb, Miller, Morgan, Price, Randolph, Rath, Rice, Richards, Riggs, Robb, Scott, Seaton, Selover, Shaw, Stewart, Tallman, Towle, Tucker, Walker, Watson, White, Willey, Wilson of Nemaha, and Woodard.

So the previous question was not sustained.

The question recurring on the motion to concur in the Senate concurrent resolution, the yeas and nays were demanded and had, with the following result: Yeas, 27; nays, 47; absent or not voting, 55.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Berry, Bower, Bronson, Bruner, Calvin, Clapp, Cool, Danhaur, Eastland, Ellison, Faulkner, Games, Godfrey, Henderson, Huffaker, Humes, Manning, McKay, McMillen, Smith of Bourbon, Wait of Linn, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Baker, Bevins, Biddle, Blanchard, Boggs, Bull, Callen, Clark, Clogston, Cunningham, Eggers, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hodge, Hutchison, James of Shawnee, Kennedy, Lawson, Legate, Leonard, Loy, Martin of Labette, Martin of Miami, Moore, Myers, Parsons, Prunty, Raybell, Rood, Sallee, Scott, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Waite of Pawnee, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Beaty, Bishop, Bissell, Blackman, Breyfogle, Briggs, Brinkman, Brown, Butts, Congdon, Corbin, Donahue, Eckles, Ewing, Fisler, Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hewins, Hossack, James of Wyandotte, Keller, Kelley, Kollock, Majors, Martin of Kingman, McClintick, McCrumb, Miller, Morgan, Price, Randolph, Rath, Rice, Richards, Riggs, Robb, Seaton, Selover, Shaw, Stewart, Tallman, Towle, Tucker, Wait of Lincoln, Walker, Watson, White, Wilson of Jackson, and Woodard.

So the House refused to concur.

On motion of Mr. Blanchard, at 12:50 o'clock, the House adjourned.



## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, February 24, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Briggs, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Baker, Ballard, Beaty, Bevins, Breyfogle, Brinkman, Callen, Clark, Congdon, Donahue, Gillespie, Greever, Hall, Hankins, Hossack, Keller, Kollock, McClintick, Martin of Kingman, Price, Randolph, Rath, Richards, Seaton, Stewart, Wait of Lincoln, and Wilson of Jackson.

Quorum present.

By consent, Mr. Biddle introduced House bill No. 399, An act regulating, controlling and establishing rates of fare and freights on railroads, establishing rules to regulate the same, and providing for the punishment of a violation of the provisions hereof, which was read a first and second time, and referred to the Committee on Railroads.

Mr. Legate moved that Senate bill No. 19, An act making appropriation to reimburse certain persons for expenditures

made in the selection of indemnity school lands, be placed upon its final passage now.

The motion prevailed; and the bill was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 78; constitutional majority, 65. Yeas, 78; nays, 0; absent or not voting, 51.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Armstrong, Baker, Barrackman, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, James of Shawnee, Kennedy, Lawson, Legate, Leonard, Loy, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Myers, Prunty, Raybell, Riggs, Rood, Sallee, Scott, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barber, Beaty, Bevins, Bishop, Breyfogle, Briggs, Brinkman, Brown, Clapp, Congdon, Donahue, Gillespie, Greever, Hall, Hamilton of Marshall, Hewins, Hossack, Hutchison, James of Wyandotte, Keller, Kelley, Kollock, Majors, Manning, Martin of Kingman, McClintick, Miller, Morgan, Parsons, Price, Randolph, Rath, Rice, Richards, Robb, Seaton, Selover, Shaw, Stewart, Stumbaugh, Towle, Tucker, Wait of Lincoln, Walker, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Legate moved that the rules be suspended, and that substitute for Senate bill No. 7, An act making an appropriation to furnish the Topeka Insane Asylum, and to provide for the current expenses thereof during the fractional portion of the fiscal year ending June 30, 1879, be placed upon its final passage now.

The motion prevailed, and the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Harts-horne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kennedy, Lawson, Leg-ate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Myers, Parsons, Prunty, Raybell, Riggs, Rood, Sallee, Scott, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Barber, Barrackman, Bevins, Bishop, Brey-fogle, Briggs, Brinkman, Brown, Congdon, Gillespie, Greever, Hall, Hamilton of Marshall, Hewins, Hossack, James of Wyan-dotte, Kelley, Kollock, Manning, Martin of Kingman, McClin-tick, Miller, Morgan, Price, Randolph, Rath, Rice, Richards, Robb, Seaton, Selover, Shaw, Stewart, Towle, Tucker, Wait of Lincoln, Walker, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

### THIRD READING OF BILLS.

Mr. Butts moved that the rules be suspended, and the House proceed to the consideration of bills on third reading, in their order as they appear on the calendar, which motion prevailed.

House bill No. 71, An act to amend an act entitled "An act concerning descents and distributions," approved March 2, 1868,

was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 68; nays, 16; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barrackman, Berry, Bissell, Blackman, Boggs, Bower, Bronson, Brown, Bruner, Butts, Callen, Danhaur, Eckles, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, James of Wyandotte, Keller, Kennedy, Legate, Leonard, Martin of Miami, Miller, Moore, Myers, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Taylor, Tucker, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Calvin, Clark, Clogston, Cool, Corbin, Cunningham, Farris, Faulkner, Loy, Majors, Martin of Labette, McKay, Rood, Smith of Marshall, and Wait of Linn.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Beaty, Bevins, Biddle, Bishop, Breyfogle, Briggs, Brinkman, Bull, Clapp, Congdon, Donahue, Eastland, Eggers, Gillespie, Hamilton of Marshall, Hamilton of Norton, Hewins, Hossack, Hutchison, James of Shawnee, Kelley, Kollock, Lawson, Manning, Martin of Kingman, McClintick, McCrumb, McMillen, Morgan, Parsons, Price, Rice, Richards, Seaton, Stumbaugh, Towle, Wait of Lincoln, Waite of Pawnee, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain title to real estate, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 92; nays, 0; absent or not voting, 37.



Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barrackman, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Myers, Price, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Beaty, Bevins, Biddle, Brinkman, Clapp, Clogston, Congdon, Donahue, Eastland, Gillespie, Greever, Hall, Hamilton of Marshall, Hewins, Hossack, James of Shawnee, Kelley, Kollock, Lawson, Legate, Manning, Martin of Kingman, McClintick, McMillen, Morgan, Parsons, Rice, Richards, Towle, Wait of Lincoln, Waite of Pawnee, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 210, An act providing for changing the frontage of lots in incorporated cities, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 82; constitutional majority, 65. Yeas, 82; nays, 0; absent or not voting, 47.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barrackman, Bishop, Blackman, Boggs, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clogston, Cool, Cunningham, Danhaur, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greif-



fenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McKay, Miller, Moore, Myers, Price, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Bissell, Blanchard, Bower, Briggs, Brinkman, Clapp, Clark, Congdon, Corbin, Donahue, Eastland, Faulkner, Gillespie, Greever, Hamilton of Marshall, Helmick, Hewins, Hossack, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Manning, Martin of Kingman, McClintick, McCrumb, McMilen, Morgan, Parsons, Rice, Richards, Seaton, Tallman, Wait of Lincoln, Waite of Pawnee, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds to the construction of a railroad, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barrackman, Beaty, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Butts, Callen, Calvin, Clark, Cool, Corbin, Danhaur, Eckles, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, Martin

of Miami, McCrumb, McKay, Miller, Moore, Myers, Price, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Berry, Bevins, Biddle, Bissell, Brinkman, Bull, Clapp, Clogston, Congdon, Cunningham, Donahue, Eastland, Farris, Faulkner, Gillespie, Greever, Hamilton of Marshall, Hewins, Hossack, James of Shawnee, Kelley, Kennedy, Kollock, Manning, Martin of Kingman, McClintick, McMillen, Morgan, Parsons, Rice, Richards, Rood, Seaton, Stewart, Towle, Wait of Lincoln, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 104, An act to enable Johnson county to take up and cancel the bonds of said county heretofore issued to the Kansas & Neosho Valley Railroad Company, and St. Louis, Lawrence & Denver Railroad Company, by issuing bonds in lieu, on motion of Mr. Bruner, was amended as follows: "*Provided*, That if any bond be taken up and re-funded, under the provisions of this act, at a greater rate than sixty-five cents on the dollar of its face, the proposition shall first be submitted to a vote of the electors of said county of Johnson, for their acceptance or rejection, at some general election, or special election called for that purpose, and a majority vote shall be necessary to authorize such compromise; and the Board of County Commissioners of said county are hereby authorized to call special elections for the purpose herein named, and shall cause to be published in some newspaper of general circulation in said county, a notice of the time and places for holding said election, for at least thirty days prior to the date fixed for holding the same."

Whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65; yeas, 79; nays, 1; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clark, Cool, Cunningham, Danhaur, Eggers, Ellison, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Hutchison, James of Wyandotte, Keller, Lawson, Legate, Leonard, Martin of Labette, Martin of Miami, McKay, Moore, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Mr. Greiffenstein voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Berry, Bevins, Biddle, Briggs, Brinkman, Brown, Clapp, Clogston, Congdon, Corbin, Donahue, Eastland, Eckles, Ewing, Farris, Gable (Thos. P.), Gillespie, Hamilton of Marshall, Hewins, Hossack, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Loy, Majors, Manning, Martin of Kingman, McClintick, McCrumb, McMillen, Miller, Morgan, Randolph, Richards, Scott, Selover, Smith of Marshall, Towle, Tucker, Wait of Lincoln, Watson, White, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 17, An act to amend section 2 of chapter 49 of the Session Laws of 1877, approved March 3, 1877, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown,

Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Cool, Danhaur, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gilmore, Greever, Hall, Hartshorne, Helmick, Henderson, Hodge, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barber, Bevins, Biddle, Brinkman, Clapp, Congdon, Corbin, Cunningham, Eastland, Eggers, Fisler, Games, Gillespie, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Hewins, Hossack, Huffaker, Humes, James of Shawnee, Kelley, Martin of Kingman, McClintick, McMillen, Miller, Randolph, Rice, Richards, Selover, Shaw, Towle, Tucker, Wait of Lincoln, Watson, White, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 249, An act providing for recording deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 93; constitutional majority, 65. Yeas, 93; nays, 0; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Berry, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Cool, Cunningham, Danhaur, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Leon-



ard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barber, Bevins, Biddle, Blackman, Brinkman, Brown, Clogston, Congdon, Corbin, Donahue, Eastland, Fisler, Gable (Frank M.), Gillespie, Greiffenstein, Hamilton of Marshall, Hewins, Hossack, James of Shawnee, Kelley, Martin of Kingman, McClintick, McMillen, Randolph, Rice, Richards, Towle, Wait of Lincoln, Watson, White, Wilson of Jackson, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 78; nays, 5; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Blackman, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Cool, Danhaur, Donahue, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Loy, Majors, McKay, Miller, Moore, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Blanchard, Humes, Martin of Labette, Morgan, and Smith of Marshall.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barber, Berry, Bevins, Biddle, Bishop, Bissell, Briggs, Brinkman, Brown, Clogston, Congdon, Corbin, Cunningham, Eastland, Eckles, Fidler, Gillespie, Hamilton of Marshall, Hewins, Hosack, Hutchison, James of Shawnee, Kelley, Kennedy, Manning, Martin of Kingman, Martin of Miami, McClintick, McCrumb, McMillen, Randolph, Richards, Robb, Rood, Taylor, Towle, Tucker, Wait of Lincoln, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### SPECIAL ORDER.

The hour of 4 o'clock P. M. having arrived, the House proceeded to a further consideration of House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars.

The question being on the motion of Mr. Humes to lay the motion to reconsider the vote by which the bill failed to pass on the table, the yeas and nays were demanded and had, with the following result: Yeas, 58; nays, 51; absent or not voting, 20.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Briggs, Bronson, Brown, Butts, Callen, Cunningham, Donahue, Eckles, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Humes, James of Wyandotte, Keller, Kennedy, Legate, Leonard, Loy, Manning, McCrumb, Moore, Price, Rath, Raybell, Rice, Robb, Rood, Sallee, Scott, Seaton, Selover, Smith of Marshall, Stitt, Tucker, Walker, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Blackman, Bower,

Breyfogle, Bruner, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Faulkner, Games, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hutchison, Kollock, Lawson, Majors, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Morgan, Myers, Parsons, Prunty, Randolph, Riggs, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, and Speaker Clarke.

Gentlemen absent or not voting: Messrs. Ballard, Barber, Bevins, Brinkman, Bull, Congdon, Fisler, Gillespie, Hewins, Hossack, Huffaker, James of Shawnee, Kelley, Martin of Kingman, McClintick, Richards, Towle, Watson, White, and Wilson of Jackson.

And so the motion to lay on the table prevailed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 48, An act relating to the admission of persons to practice of law.

Also, Senate bill No. 44, An act to provide for the better protection of people who assemble in public halls and places of amusement, and who travel by rail, in the State of Kansas.

Also, Senate bill No. 155, An act providing for the reception of United States prisoners in the county jails and Penitentiary of the State of Kansas.

Also, Senate bill No. 55, An act in relation to the death penalty, and to amend an act to establish a code of civil procedure, and supplemental thereto.

HENRY BRANDLEY, *Secretary*.

#### THIRD READING OF BILLS CONTINUED.

House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 99; constitutional majority, 65. Yeas, 69; nays, 28; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Baker,

Barrackman, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Bull, Calvin, Clapp, Clark, Corbin, Cunningham, Eastland, Ellison, Gable (Frank M.), Games, Gilmore, Greever, Hall, Hamilton of Norton, Harts-horne, Helmick, Henderson, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Legate, Martin of Labette, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Rice, Riggs, Rood, Scott, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Armstrong, Berry, Bruner, Butts, Callen, Clogston, Cool, Eggers, Farris; Gable (Thos. P.), Godfrey, Hodge, Kennedy, Majors, Manning, Martin of Miami, McCrumb, Price, Raybell, Robb, Sallee, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Tucker, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Barber, Beaty, Bevins, Brinkman, Brown, Congdon, Danhaur, Donahue, Eckles, Ewing, Faulkner, Fisler, Gillespie, Greiffenstein, Hamilton of Marshall, Hankins, Hew-ins, Hossack, Humes, Kelley, Leonard, Loy, Martin of Kingman, McClintick, Randolph, Richards, Towle, Wait of Lincoln, White, and Wilson of Jackson.

Pending the call of the roll, a call of the House was demanded and had, with the following result:

Gentlemen absent without leave: Messrs. Anderson of Shawnee, Barber, Brinkman, Brown, Calvin, Danhaur, Eckles, Ellison, Hossack, Martin of Kingman, Richards, Wait of Lincoln, White, and Woodard.

The Sergeant-at-Arms was instructed to bring in the absentees.

Mr. Legate moved that further proceedings under the call be dispensed with.

The call of the roll was completed, with the above result: Yeas, 69; nays, 28.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 75, An act to vacate a part of the town site of

the city of Pleasanton, in Linn county, Kansas, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 92; nays, 3; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Armstrong, Baker, Barrackman, Beaty, Berry, Bid-  
dle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Brey-  
fogle, Briggs, Bronson, Bull, Butts, Calvin, Clapp, Clark, Clog-  
ston, Cool, Corbin, Cunningham, Eastland, Eckles, Ellison,  
Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.),  
Games, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton,  
Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker,  
Humes, Hutchison, James of Shawnee, Keller, Kennedy, Kol-  
lock, Lawson, Legate, Leonard, Loy, Martin of Labette, McCrumb,  
McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons,  
Price, Prunty, Rath, Rice, Riggs, Robb, Rood, Sallee, Scott,  
Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall,  
Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn,  
Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha,  
Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Callen, Eggers,  
and Martin of Miami.

Gentlemen absent or not voting were: Messrs. Anderson of  
Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard,  
Barber, Bevins, Brinkman, Brown, Bruner, Congdon, Danhaur,  
Donahue, Fisler, Gillespie, Greiffenstein, Hamilton of Marshall,  
Hewins, Hossack, James of Wyandotte, Kelley, Majors, Manning,  
Martin of Kingman, McClintick, Randolph, Raybell, Richards,  
Spilman, Towle, Tucker, Wait of Lincoln, White, Wilson of  
Jackson, and Woodard.

And so, a constitutional majority having voted in favor of the  
passage of the bill, the bill passed, and the title, being again read,  
was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 50, An act providing for the confinement at  
hard labor in the Penitentiary for life of any person three times  
convicted of any felony or felonies, was read a third time, and



the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 48; nays, 39; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Beaty, Bishop, Bissell, Blackman, Breyfogle, Bronson, Bull, Clapp, Clogston, Cunningham, Eckles, Eggers, Ewing, Gable (Frank M.), Gable (Thos. P.), Gilmore, Greever, Hall, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Hutchison, James of Shawnee, Keller, Kennedy, Moore, Morgan, Myers, Price, Prunty, Rath, Riggs, Sallee, Shaw, Smith of Bourbon, Stitt, Stumbaugh, Tallman, Waite of Pawnee, Walker, Wilson of Nemaha, and Woodard.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Biddle, Blanchard, Boggs, Bower, Briggs, Calvin, Clark, Cool, Farris, Faulkner, Games, Godfrey, Hamilton of Norton, Humes, Kollock, Lawson, Legate, Leonard, Loy, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Parsons, Rice, Rood, Scott, Seaton, Smith of Marshall, Stewart, Taylor, Tucker, Wait of Linn, Watson, Willey, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Berry, Bevins, Brinkman, Brown, Bruner, Butts, Callen, Congdon, Corbin, Danhaur, Donahue, Eastland, Ellison, Fisler, Gillespie, Greiffenstein, Hamilton of Marshall, Hewins, Hodge, Hossack, James of Wyandotte, Kelley, Majors, Manning, Martin of Kingman, McClintick, Randolph, Raybell, Richards, Robb, Selover, Spilman, Towle, Wait of Lincoln, White, and Wilson of Jackson.

Less than a constitutional majority having voted for the passage of the bill, the bill did not pass.

House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisment, was read the third time; when on motion of Mr. Smith, of Marshall, the House, at 6:10 o'clock P. M., adjourned.



## EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 24, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Berry, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bruner, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ewing, Farris, Fisler, Games, Gilmore, Godfrey, Greiffenstein, Helmick, Henderson, Huffaker, Humes, Hutchison, James of Shawnee, Kennedy, Lawson, Legate, Leonard, Loy, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Baker, Ballard, Barber, Bevins, Biddle, Bishop, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Clapp, Clark, Clogston, Congdon, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hewins, Hodge, Hossack, James of Wyandotte, Keller, Kelley, Kollock, Majors, Manning, Martin of Kingman, McClintick, McCrumb, Parsons, Randolph, Raybell, Selover, Stitt, Towle, Wait of Lincoln, White, Willey, and Wilson of Jackson.

Quorum present.

Leave of absence was granted to the Ways and Means Committee for the evening, to Mr. Ballard until 2 o'clock Tuesday, to Mr. White until to-morrow night, and to Mr. Bruner until 3 o'clock Thursday, on account of sickness.

## COMMITTEE OF THE WHOLE HOUSE.

The House resolved itself into committee of the whole, with Mr. Smith, of Marshall, in the chair, for the consideration of local bills on the calendar.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration local bills, and instruct me to make the following recommendations:

House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas, with the recommendation that it be passed.

House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove, with the recommendation that it be passed.

House bill No. 114, An act to vacate a State road, with the recommendation that it be passed, subject to amendment.

House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, with the recommendation that it be passed over, and be allowed to retain its place on the calendar.

House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, with the recommendation that it be passed.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county, with the recommendation that it be passed.

House bill No. 277, An act to validate the election held in Harper county on the fifth day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county, with the recommendation that it be passed.

House bill No. 194, An act to authorize the Township Trustee of Center township, Marion county, to expend the sum of \$1,000 in improving the public highways in said township, with the recommendation that it be passed.

House bill No. 166, An act relating to taxation in Leavenworth county, with the recommendation that it be passed.

House bill No. 233, An act to authorize James A. Gillett to

build a mill-dam across Lyon creek, in Dickinson county, Kansas, with the recommendation that it be passed.

House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house, and furnishing the same, with the recommendation that it be passed.

House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness, with the recommendation that it be passed.

House bill No. 303, An act vacating certain farming lands in Wyandotte city, with the recommendation that it be passed.

Substitute for House bills Nos. 161, 37 and 315, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas; of George S. Greene, a Notary Public in and for Riley county, Kansas; and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas, with the recommendation that it be passed, subject to amendment.

House bill No. 124, An act for the relief of G. H. McConnell, with the recommendation that it be passed.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named, with the recommendation that it be passed.

House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness, with the recommendation that it be passed.

House bill No. 111, An act to vacate a part of Wakefield, Clay county, State of Kansas, with the recommendation that it be passed.

House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, with the recommendation that it be passed, subject to amendment and debate.

House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879, with the recommendation that it be passed.

Senate bill No. 12, An act relating to a special election held in Anderson county, September 14, 1871, with the recommendation that it be passed.

Substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties, with the recommendation that it be passed as amended, and placed on third reading, subject to amendment and debate.

House bill No. 271, An act declaring section lines in Marshall county public highways, with the recommendation that it be passed.

House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto, with the recommendation that it be passed.

Senate bill No. 1, An act to enable the county of Atchison to compromise and re-fund its bonded indebtedness, with the recommendation that it be passed.

House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge, with the recommendation that it be passed.

House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds, with the recommendation that it be passed.

Senate bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872, with the recommendation that it be passed.

And the committee report progress on the calendar, and ask leave to sit again.

W. W. SMITH, *Chairman*.

On motion of Mr. Humes, the report of the committee was agreed to.

By consent, Mr. Kennedy introduced House bill No. 400, An act authorizing the county of Doniphan to take up and fund its bonded indebtedness, which was read a first and second time, and on motion of Mr. Legate was considered engrossed, and ordered to a third reading.

#### SPECIAL REPORT.

By consent, Mr. Biddle, chairman of the special committee on House bill No. 23, An act defining the boundaries of Barton and Pratt counties, submitted the following:

MR. SPEAKER: Your committee, to whom was referred House



bill No. 23, being "An act to define the boundaries of Barton and Pratt counties," with powers to examine witnesses on oath, have had the same under consideration, and instruct me to make the following report:

We found three interests involved in these county lines: Barton county, represented by Messrs. D. J. Evans and G. W. Nimocks, attorneys; Pratt county, represented by J. W. Sidom, Esq.; and the territory formerly composing Stafford county, by Judge Gray and Messrs. Johnson and Morgan. Evidence was offered, and the matter and interests herein thoroughly inquired into. We find from the laws of the State and the evidence that previous to any part of this territory being settled, the territory in controversy was divided by law into the three counties of Barton, Stafford, and Pratt. (See Laws of 1868, chapter —, sections 6, 60, and 73.) In 1873, the Legislature by law detached township 21 from Stafford, and attached it to Barton county. (See chapter 112, Laws of 1873.) By chapter 59, Laws of 1874, township 26, in Pratt county, was attached to Stafford county; and three townships of Stafford county were attached to Pawnee county. In 1875, by chapter 61, Laws of 1875, the territory composing Stafford county was divided between Barton and Pratt counties, except two Congressional townships in range 15—townships 24 and 25. At the time of the passage of this law there were from twelve to eighteen families in Stafford county, who were in favor of the change. The two Congressional townships above referred to were left out of Pratt county by mistake. Previous to said change, the Atchison, Topeka & Santa Fé Railroad was constructed along the north bank of the Arkansas, and Great Bend, the present county seat of Barton county, was located on said railroad, about seven miles north of the north line of old Safford county. Great Bend has grown into a flourishing city, has a fine court house, and has constructed a substantial bridge across the Arkansas. Nearly all the people in townships 21, 22 and 23, in old Stafford county, trade and do all their business at Great Bend. It is their principal shipping point, and will for years to come remain such.

Since 1875, the territory comprising old Stafford county has been settled up, and has at this time a population of about 2,000. Twenty school districts have been organized in Barton county, south of the Arkansas river. Ten school houses have



been built in that part of old Stafford county now in Barton county, and the people in that territory have paid taxes, recorded deeds, organized school districts and townships, and voted in Barton county, and have abandoned all idea that the county of Stafford is still existing.

In the territory comprising old Stafford county, there is much good land, yet about five Congressional townships are worthless sand-hills, and not fit for agricultural purposes. The taxable property is about \$100,000, and the sentiment of the people as to its reinstatement as a county is nearly equally divided, there being no decided sentiment in favor thereof among any considerable portion of its people. In township 21 almost all the people, in township 22 a majority thereof, and in township 23 a few people, are in favor of remaining in Barton county.

In considering the condition of the people, of their trading points, the expenses necessary to keep up a new county organization, and the amount of unproductive land, the wishes of the people, and many other facts, lead us to conclude that it is to the best interest of the State to define these counties by amending House bill No. 23: In section 1, strike out "twenty-four" in line 16, and insert "twenty-three;" and in section 2, strike out in line 23 the word "twenty-four," and insert "twenty-three;" and strike out in said section 2 all after the word "range," and insert the following: "Fifteen; thence south on said range line to the north line of township twenty-four; thence west on said township line to the east line of range sixteen; thence south on said range line to the north line of township thirty; thence east on said township line to the east line of range eleven, west; thence north along the said range line to the place of beginning."

We recommend the following section:

"SECTION 3. No tax shall be levied upon the real or personal property in townships twenty-one and twenty-two in said Barton county for the purpose of paying the interest or principal of any indebtedness of Barton county, which was created previous to the first day of June, 1875."

Make section 3 section 4, and make section 4 section 5.

And as amended herein we recommend its adoption.

W. R. BIDDLE, *Chairman.*

On motion, the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## THIRTY-SECOND DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 25, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Armstrong, Baker, Barber, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Calvin, Clark, Clogston, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, Hutchison, Kelley, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Walker, Watson, Willey, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barrackman, Bevins, Bruner, Callen, Clapp, Congdon, Cool, Corbin, Eastland, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Hall, Hankins, Hossack, James of Shawnee, James of Wyandotte, Keller, Kollock, Legate, Martin of Kingman, McClintick, Randolph, Raybell, Riggs, Selover, Waite of Pawnee, White, Wilson of Jackson, Wilson of Nemaha, and Wright.

Quorum present.

By request of Mr. Henderson, leave of absence was granted to Messrs. Thomas P. Gable and Frank M. Gable, until to-morrow at 3 o'clock P. M., on account of sickness in their families.

Pending the reading of the journal of yesterday, on motion further reading of the journal was dispensed with.

#### PRESENTATION OF PETITIONS.

By Mr. Shaw: Of citizens of Olathe, Johnson county, Kansas, praying that the dramshop act be so amended as that its provision shall apply to all towns and cities alike, without distinction of class. Referred to Committee on Temperance.

By Mr. Alexander: Of Easton Lester and 40 others, praying for the payment of the Price raid claims. Referred to Committee on Claims.

By Mr. Games: Of some 80 citizens of Miami county, praying for a change in the dramshop act, in accordance with the Governor's message. Referred to Committee on Temperance.

By Mr. Breyfogle: Of 49 citizens of Johnson county, praying for the enactment of a law distributing the school tax collected from railroads equitably among the school districts. Referred to Committee on Education.

#### INTRODUCTION OF BILLS.

The following bills were introduced, and read the first time, and upon the rules being suspended, were read the second time, and referred to the appropriate committees:

By Mr. Miller: House bill No. 401, An act to change the name of John H. Kalbfleisch to that of John H. Decker. Referred to Committee on Judiciary.

By Mr. Brown: House bill No. 402, An act for the relief of James F. Cooper, County Treasurer of Mitchell county, Kansas. Referred to Committee on Ways and Means.

Substitute for Senate bill No. 48, An act relating to the admission of persons to practice law. Referred to Committee on Judiciary.

Senate bill No. 55, An act in relation to the death penalty, and to amend "An act to establish a code of civil procedure," and supplemental thereto. Referred to Committee on Criminal Jurisprudence.

Senate bill No. 155, An act providing for the reception of United States prisoners in the county jails and Penitentiary of the State of Kansas. Referred to Committee on Jurisprudence.

Senate bill No. 44, An act to provide for the better protection of people who assemble in public halls and places of amusement,

and who travel by rail, in the State of Kansas. Referred to committee of the whole House.

By consent, Mr. Clark submitted a proposition for publishing and selling to the State a compilation of the Laws of Kansas. Referred to Committee on Judiciary.

Mr. Biddle moved that the rules be suspended, and that House bill No. 23, An act defining the boundaries of Barton and Pratt counties, take the place it occupied on the calendar before it was referred to the special committee. The motion did not prevail.

#### REPORTS OF STANDING COMMITTEES.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following report:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 239, An act making appropriation to provide for the current expenses of the Institution for the Education of the Deaf and Dumb, for the fiscal years ending June 30, 1880 and 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute from the joint Committee on Ways and Means be passed.

C. E. FAULKNER, *Chairman*.

Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 359, An act to provide for and regulating the salary and compensation of certain township officers therein named, and relating to township officers, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

CHAS. H. MILLER, *Chairman*.



Mr. Blackman, chairman of the Committee on Education, submitted the following reports:

MR. SPEAKER: Your Committee on Education, to whom was referred House bill No. 389, An act to amend section 13, article 2, school laws, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122, of the Laws of 1876, being "An act for the regulation and support of common schools," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. A. BLACKMAN, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 71, An act to repeal chapter 122 of the Session Laws of 1872, in relation to the probate courts, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following reports:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 350, An act to amend an act entitled "An act to authorize the construction of levees and drains," approved March 3, 1870, and supplemental thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

J. W. LOY, *Chairman*.



MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 322, An act in relation to ditches and sluice-ways, and to provide for a levy of a tax to pay for the construction of same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, as the committee had recommended favorably upon other bills of a like character.

J. W. LOY, *Chairman*.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 173, An act to authorize Oswego township, in Labette county, to take up and cancel its outstanding bonds, and to issue other bonds for such purpose, and to provide for the payment of the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without being printed.

E. C. MANNING, *Chairman*.

Mr. Barber, chairman *pro tem*. of the Committee on Roads and Highways, submitted the following reports:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

M. L. BARBER, *Chairman pro tem*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 385, An act to vacate a portion of a State road, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

M. L. BARBER, *Chairman pro tem*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

M. L. BARBER, *Chairman pro tem*.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 398, An act to authorize county commissioners to construct roads, on petition of a majority of resident land-owners along and adjacent to the line of said road, and to repeal all acts or parts of acts in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to Committee on Judiciary.

M. L. BARBER, *Chairman pro tem.*

Mr. Leonard, chairman of the Committee on State Affairs, submitted the following report:

MR. SPEAKER: Your Committee on State Affairs, to whom was referred Senate bill No. 58, An act in relation to the State Historical Society, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

M. R. LEONARD, *Chairman.*

Mr. Callen, chairman of the Committee on Mines and Mining, submitted the following reports:

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate bill No. 62, An act authorizing mining corporations to improve and cultivate the surface of such land as they may have in possession, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

A. W. CALLEN, *Chairman.*

MR. SPEAKER: Your Committee on Mines and Mining to whom was referred House bill No. 248, An act regulating mines and mining in the State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House, and that it be printed.

A. W. CALLEN, *Chairman.*

By consent, the recommendation as to reference was adopted.

Mr. Seaton, chairman of the Committee on Manufactures, submitted the following report:

MR. SPEAKER: Your Committee on Manufactures, to whom was referred House bill No. 373, An act relating to liens of

employés at manufacturing establishments, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, such being already enacted in the Laws of 1872.

JOHN SEATON, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 52, An act delaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

#### REPORT OF COMMITTEE ON ELECTIONS.

Mr. Kennedy, chairman of the Committee on Elections, submitted the following majority, minority and special reports:

##### MAJORITY REPORT.

MR. SPEAKER: Your Committee on Elections, to whom was referred the contested case of the Seventy-sixth Representative District, wherein J. M. Allen is contestant, and R. B. Spilman contestee, have had the same under consideration, and after careful investigation, instruct me to make the following report:

Your committee find that illegal votes were cast for both parties; committee found from the report of the State Board of Canvassers that R. B. Spilman received 403 votes, and J. M. Allen 400 votes.

Your committee find further that John Mann, Fred. Jewell, A. Beacham and Louis Hayden were not legal voters, and that they voted for R. B. Spilman.

From the testimony taken by your sub-committee, at Manhattan, Kansas, and submitted to your committee, after carefully considering the same, we find that Albert Anderson was a legal voter; that James Boler was not a legal voter, but from the testimony taken it could not be determined for whom he voted.

They find further that T. C. Abbott was not a legal voter, and that he voted for J. M. Allen; that R. L. Warlick was not a legal voter, and that he voted for J. M. Allen; that Samuel H.

Donnelly, sr., was not a legal voter, and that he voted for J. M. Allen; that Samuel Donnelly, jr., was not a legal voter, and that he voted for J. M. Allen.

From the evidence before your committee, they find that R. B. Spilman is the legally-elected Representative from the Seventy-sixth Representative District, and respectfully report accordingly, and submit herewith the accompanying papers, and all the testimony taken before said committee, and recommend the adoption of the accompanying resolution.

J. B. KENNEDY,  
*Chairman.*

W. G. EASTLAND.  
JOHN S. GILMORE.  
R. B. ARMSTRONG.

#### MINORITY REPORT.

*To the House of Representatives:*

MR. SPEAKER: We, T. B. Ellison, C. J. Corbin and A. G. Richards, being members of your Committee on Elections, desire to make report, as follows:

That the seat in this House for the Seventy-sixth Representative District of Kansas, by right, belongs to John M. Allen, from an investigation of all the evidence adduced before us, in the matter of contest for said seat, in case of John M. Allen vs. R. B. Spilman.

In our best judgment, we make the following report of findings in the case:

1st. The majority of R. B. Spilman over John M. Allen, as returned to the Secretary of State, was "three" votes—the vote being returned: R. B. Spilman, 403, and John M. Allen, 400.

2d. The evidence all brought before the committee shows, in our judgment, under the law, and from our investigation thereof, the following illegal voters as voting for R. B. Spilman, to wit: John Morrow, A. Beacham, Fred. Jewell, James Boller, Albert Anderson, Louis Hayden, and Charles Johnson. And in respect to the evidence adduced in the defense by R. B. Spilman, we find that he has only proven one illegal vote, to wit: R. L. Warlick; but that is not clearly shown for whom he voted for the office in question.

Wherefore we, members of your committee above-mentioned, would report to you in favor of John M. Allen; that he is en-



titled to the seat in this House for the Seventy-sixth Representative District, by a majority of four votes over Hon. R. B. Spilman; and we would earnestly recommend that the said John M. Allen be at once given the seat in this House.

Respectfully submitted.

T. B. ELLISON,

C. J. CORBIN,

O. G. RICHARDS,

*Members of Committee on Elections.*

#### SPECIAL REPORT.

MR. SPEAKER: Your Committee on Elections direct me to submit the following special report in the contest case of J. M. Allen vs. R. B. Spilman:

The committee find that the election was very close, and that owing to the fact that the votes of several Agricultural College students were cast at the election, and the question coming up as to their legality, gave J. M. Allen good cause to contest; and as he was to great trouble and expense in preparing his case, we recommend that he be allowed *per diem* and mileage to date.

J. B. KENNEDY, *Chairman.*

Mr. Legate moved that the report be made the special order for to-day at 3 o'clock P. M.

#### ELECTION CASE OF ALLEN vs. SPILMAN.

The following resolution was adopted by the House of Representatives, Friday, February 14, A. D. 1879:

*Resolved*, That the House Committee on Elections be, and the same is hereby, authorized to appoint a sub-committee of three members to visit (with the clerk of said committee) Riley county, for the purpose of taking testimony in the case of Allen vs. Spilman, from the Seventy-sixth Representative District.

#### TESTIMONY.

The following is the testimony of witnesses taken before the sub-Committee on Elections, on the 17th, 18th, and 19th of February, 1879, at Manhattan, Riley county, Kansas, to be used in the contest pending, wherein J. M. Allen is contestor and R. B. Spilman contestee:

The said J. M. Allen appeared in person and by his attorneys, Sam. Kimble & Hilton; and R. B. Spilman appeared in person and by his attorney, John E. Hessin.



The following witnesses were then introduced, and sworn :

LOUIS HAYDEN, being first duly sworn, testified as follows :

I was one of the witnesses examined before Judge Harper, in the contest case of J. M. Allen vs. R. B. Spilman, in December, 1878. I voted for R. B. Spilman for Representative of the Seventy-sixth District, on the 5th of November, 1878.

JOHN MANN, being sworn, testified as follows :

My name is John Mann. I was one of the witnesses who testified before Judge Harper in December, 1878, at Manhattan, Kansas, in the case of J. M. Allen vs. R. B. Spilman. I voted for R. B. Spilman, on the 5th of November last, for Representative of the Seventy-sixth District. I know that I voted for Spilman, because his name was on the ticket.

FRED. JEWELL, being sworn, testified as follows:

My name is Fred. Jewell. I was one of the witnesses examined before Judge Harper, in the case of J. M. Allen vs. R. B. Spilman, at Manhattan, Kansas, in December, 1878. I voted for R. B. Spilman for Representative of the Seventy-sixth District, at the election on the 5th of November, 1878. I read the ticket; though whether the name of R. B. Spilman was on the ticket more than once I am unable to say, but it was there once. I believe the name of R. B. Spilman was on the ticket in connection with the office of Representative of the Seventy-sixth District. I don't think I could have been mistaken in that.

A. BEACHAM, being sworn, testified as follows:

My name is A. Beacham. (R. B. Spilman objected to the introduction of any testimony by this witness, for the reason that his name did not appear on the list of illegal voters served on him.) Mr. Beacham continued to testify, as follows: I was examined before Judge Harper in the case of J. M. Allen vs. R. B. Spilman, in December, 1878. On the 14th of December, 1878, I was a witness in that case. I voted for Representative of the Seventy-sixth District in the November election last. I voted for R. B. Spilman for Representative.

The Committee adjourned to meet at 9 o'clock on the —— of February, 1879.

The Committee met pursuant to adjournment, and examined the following witnesses:

J. H. KENT, being first duly sworn, testified as follows:

I reside in Manhattan. I have lived in Riley county for eight years. I came into Manhattan township on the 12th of August, 1878. I lived in Zeandale township before coming here. My parents are not living. I lived with H. McCormick. I remained in Manhattan township after coming here in August. I worked around until the 1st of October, when I started to college. I have been attending college since that time. When I came into Manhattan township, I came for the purpose of making it my home as long as I could get work to do. I first formed the intention of going to college after I came here and went to work. I worked at the Adams House about two weeks after coming here. I did not do much of anything after leaving the Adams House. I practiced on a brass horn to play at the fair. I was not engaged in any steady work after leaving the Adams House before going to college. I went to work after coming here, but did not know how long it would last. I only found work about two weeks. From that time until I commenced going to college I had no steady work except playing on the horn. I have been boarding all the time since I came to town. I have not engaged in anything except going to college since I commenced. I have remained in Manhattan during vacation. I don't know how long I shall go to college. If I find work, I shall go to work after leaving college. I had nothing to do during the winter season except going to college. If I cannot find work in this township after leaving college, then I shall go somewhere else. I was in Manhattan township, and voted at the election in 1878, and voted for Representative.

*Question:* "For whom did you vote?" (Objected to for the reason that he had not been declared an illegal voter.) *Answer:* I voted for J. M. Allen. I lived in Zeandale township about eight years, with Mr. McCormick, before coming to this township. My age is twenty-three years.

*(Cross-examined by Mr. Kimble.)*

When I came here from Zeandale township, I came for the purpose of making this my home, and not for the purpose of

going to college. I have, ever since coming into this township, made it my home, and looked upon and regarded it as my home. I expect to make this my home longer than while going to college. I did not gain my residence here by reason of being a college student. I have not, since coming into this township, formed any intention of making Zeandale township my home after quitting college. I have no parents. I am of age. I am dependant on myself for support. I possessed property when I came into this township. I moved it away from my former home in Zeandale township, and left it in charge of another person. I gave up Zeandale township as my home entirely. It was during the fair week that I formed the intention of going to college; some time in the latter part of September. I came here before the 12th of August. I only intended to attend college during the winter. I now regard this place as my home, and have so regarded it ever since coming here.

*Question:* Would you have remained in Manhattan but for going to college. *Answer:* I would. I had made up my mind to stop here during the winter, whether I got work or not; and the probabilities were that I would stop longer; I could not tell. My intention was to remain here an indefinite length of time. My property was principally cattle and horses. Zeandale township is in Riley county.

F. C. ABBOT, being first duly sworn, testified as follows:

I was twenty-two years of age on the 22d of October last. My parents live in Zeandale township, Riley county. I first came into Manhattan township some time last May. I had been here off and on some time before. I have been here continuously since May. I worked on the College farm until college began, and have been going to college since. I first determined to go to college some time during the summer, after I got employment here. I worked on the College farm by the month, and got the work for the season, which lasted until college commenced. I boarded part of the time at Prof. Gale's, and part of the time at Hasmer's. After I commenced going to college, my sister and I kept house in the upper part of town; that is, we were in with other parties. After I commenced going to college, my father assisted my sister, but I supported myself. I have entirely supported myself since going to college. While going to college

I went home, sometimes once a month and sometimes oftener. I did not get my washing done at father's house, while going to college, except the last few weeks. I spent part of the vacation at home at father's. I did work for my board at Gale's during this term. I kept account of what I bought while my sister and I kept house, and my father furnished wood from the farm. I bought the groceries, and my father furnished some flour. I did not get my washing done at father's. During the last year I have engaged in nothing except attending college. I was at Manhattan, and voted at the general election, in 1878, for Mr. Allen.

(*Cross-examined.*)

*Question:* "How do you know you voted for Allen?" *Answer:* I ought to know. I read my ticket over. I voted for J. M. Allen. I intended to make this my home as long as I had employment. I had an offer of position before I came here—the care of the orchard on the College farm. College commenced, I think, on the 6th of September last. While in charge of the nursery at the College farm, I looked upon and regarded this place as my home. I thought very likely I should go to college when I came here, but had formed no distinct intention. I occupied the position in the same capacity as any other superintendent at the college. I formed the intention of going to college sometime during the time I was at work there. I did not gain my residence by reason of being a college student. On the 5th of November, 1878, I still looked upon and regarded this as my home.

*Question:* "Was this the place to which you would return if you were absent?" *Answer:* Well, I don't know whether I should return here or to my father's place; I have nothing to bind me to any particular place. I had formed no intention prior to November 5, 1878, to quit this place after finishing my studies at college. The understanding between me and my father while I was going to college was that he should furnish such things as he had, such as wood and flour, for my sister's part, and I was to furnish the rest. In case I quit college I have formed no positive intention to return to my father's house. I have no such intentions. My stay here is not dependent on going to college. I was Superintendent from the middle of May till the 6th of September, 1878, and resided in Manhattan township. I came into the township on the 6th of May, 1878. I came to make it my home as long



as I had employment here—as much my home as any place. I had been an actual resident of this township. I came here for the sole purpose of filling an engagement as Superintendent of the College farm, ending September 6, 1878. I have not formed any intention of remaining here after leaving college. I have no definite intention at all. When I took the position as Superintendent of the College farm, I intended to remain after the termination of that position, if I could get other employment to suit me.

SAMUEL J. DONNELLY, Sr., being first duly sworn, testified as follows:

My name is Samuel J. Donnelly. I am living in Manhattan. I came here on the 2d of last August. I came here from Linn county, Kansas. I went to Linn county three years ago. I left Kansas six years ago on the 7th of February, and went to Illinois, where I remained I don't know how long, but I came back when the grasshoppers were so bad. I was in Illinois about one year. I came direct from Illinois to Linn county, Kansas, and remained there until I came here. After leaving Linn county (to come here) I resided in Missouri about two months, in the spring of 1878. I went into Missouri from Linn county, and then came here. I left Linn county about the 1st of April, 1878, with the intention of coming here. I had been farming in Linn county. I rented a farm. When I left Linn, it was with the intention to abandon it as my home. I took my family and property with me when I left Linn. I went with my family and property into Missouri. I went to Missouri and worked on the railroad on the other side of the Missouri river, near Glasgow. When I left Linn county I intended to go and work a while on the railroad, and then come up here. I remained in Missouri one or two months, on the railroad, and then came direct to Pottawatomie county. I cannot tell exactly in what month I left Missouri. I traveled with teams. I was a good while on the road. We stopped once in a while, to see if we could find a place to suit us; and if we succeeded in finding such a place, we intended to stay, if not, to come here. We were as much as one hundred miles into Missouri. I don't know at what time I got into Pottawatomie. I cannot tell whether it was June, July or August. We stayed in Pottawatomie county



about one week before coming to Riley county. I lived first in the King house, after coming here, about one month; and then moved into the widow Kennell's house, also in Manhattan. I think I moved into the King house on the 2d of August, 1878, and on the day after election I moved into Kennell's house. I lived in the King house a little over two months. When I left Linn county I intended to come here. I did not intend to remain in Missouri any length of time. I went there with the intention that if I liked it I would stop there and work a few days. I did not go there to find work, particularly, myself. I went to Missouri to attend to some business, and to see some men who lived there. It was a kind of a visit. My son lived there; he came out with me. I voted at the election, on the 5th of November last, at Manhattan, for Capt. Allen for Representative of the Seventy-sixth District. I mean J. M. Allen.

*(Cross-examination.)*

I am from Linn county, Kansas. When I left there I intended to come here. I never abandoned that intention. I came here to make this my home. I had resided in Linn county for some time previous to my removal from there. The trip into Missouri was for a temporary purpose, merely to visit some friends; and I never, while in Missouri, abandoned my intention of coming to this place. I stopped in Pottawatomie county for the purpose of finding out the residence of some parties who lived here. I have resided here since, with my family, continuously.

SAMUEL DONNELLY, JR., being first duly sworn, testified as follows:

(Mr. Kimble, counsel for contestor, objected to the examination of witness, for the reason that his name did not appear on the poll list. Objection overruled, and ruling objected to.) My name is Samuel Donnelly. I am the son of Samuel H. Donnelly, Sr. I was twenty-one years of age on the 9th of September, 1878. I was living with Mr. Robinson, in Linn county. I left there when my father did. I went with my father. I was with my father all the time on the trip into Missouri and back into Kansas. I had not been working for my father before I left Linn county. I worked an adjoining farm for myself, on my own account. When I left Linn county I intended to come here

with my father. I did not engage in work in Missouri. We stayed in Missouri about two months. We went direct from Linn county to Glasgow, Missouri. My brother lives at Glasgow. I remained with him while there. My father and the rest of the family remained there also. We left Missouri in June, and came direct to Kansas. We were about two weeks on the way. We got to Pottawatomie county about the middle of July. I remained there about three days, and my father about eight days. I remained here after that on the Chaffee farm, and worked for Mr. Powers. My brother and three other men came with us from Missouri—Charles McPherson, Cy. McDonald, and another McPherson—I have forgotten his name. They all came to Pottawatomie county. They and my brother went to Abilene. I voted at the election, in November last, for Mr. Allen for Representative of the Seventy-sixth District; for Mr. J. M. Allen. I had lived in Linn county pretty nearly three years. I did not intend to return to that place to make it my home, when I left.

*(Cross-examined.)*

When I left Linn county I intended to come here to reside in Manhattan, Riley county, Kansas. I did not, at any time during my trip from Linn county to this place, abandon that intention. I have resided in Manhattan ever since coming into this county. The Chaffee farm is in Manhattan township. I have resided in this county continuously since coming here in August. The trip into Missouri was not made with any intention of taking up a residence there. I had not at any time any intention of becoming a resident of Missouri.

Mr. JAMES BOLLER, being first duly sworn, testified as follows:

I testified before Judge Harper last December in the case of J. M. Allen vs. R. B. Spilman. I stated in that examination that I was born on the 24th day of January, 1857. My recollection at that time was that I was born in 1857. I had reference to a record of Mrs. Whalen. My opinion as regarded my age was based on that record. I have an aunt who told me last night that she remembered the year of my birth, but did not know exactly the day. It was Mrs. Brooks. I am now satisfied that I was mistaken when I said that I was born January 24, 1857. I was also mistaken when I said that I would be twenty-one

in 1879. I was not mistaken when I said that I voted for R. B. Spilman for Representative. I got my ticket, and got a pencil and put the name of Spilman on the ticket. I got the pencil from Jesse Brewer, and put down some of the names of men who were running up there. I read the ticket through. I don't mind how the ticket was headed. I did not pay any attention as to how the ticket was headed. I think it was a Republican ticket, but cannot say. I am not certain that it was a Republican ticket. I don't remember the name of any other man on the ticket except Spilman. I don't know whose name was on for Governor, nor for Probate Judge, nor for County Attorney.

*Question by Mr. Spilman:* "Was my name on for County Attorney?" *Answer:* I don't mind, but think your name was on twice. I don't mind whose name was on that ticket for Superintendent of Public Instruction. I don't know whose name was on for member of Congress. I don't remember any name on the ticket except R. B. Spilman. I read the ticket. Thomas Dixon gave me the ticket. It was at Waxelbaum's store. All that were with me that day voted the same way. I voted after dinner—about half an hour after Dixon gave me the ticket. When I voted there was nothing said between myself and bystanders about voting for Representative. I did not ask Dixon for a ticket. I did not tell him what kind I wanted. He just gave me one. When I left the polls I went back on the road. I was working for Jesse Bannister. I had no conversation with any one with regard to Representative that I know of. I don't know that I had such a conversation. I did not know who were candidates for any other office except Representative.

*Question by Mr. Spilman:* "Does that" (presenting a National Greenback Labor ticket) "look like the ticket you voted?" *Answer:* No, sir. That is not the ticket I voted. I first communicated that I had voted for R. B. Spilman on the road that day. I did not tell James Boylan who I voted for; but he saw me get the ticket. I did not tell Myers who I voted for at the time, but I told him afterwards—about one and a half weeks after. I first told Robert Mallon, my uncle, when he asked me, but I cannot tell the time.

*Question by Mr. Spilman:* "Did any one tell you that you had made yourself liable to punishment because you voted?" *An-*

*swer:* Yes, sir. I don't know how long after the election; about one week, I think. No one told me that I could escape punishment by telling for whom I voted. I got tickets from Jesse Brewer and Waxelbaum. The tickets were all different from the one I got from Thomas Dixon. The ticket I got from Brewer was the National Greenback ticket. I don't remember what kind of a ticket I got from Dixon. I saw Spilman's name on the ticket more than once. I did not see the name of Captain Allen on the ticket I voted. I tore one of the tickets up that I got from the other parties. I don't know what I did with the other. I kept the ticket I voted in my hand one-half hour before I voted. I did not write any name on the ticket except Robert Mallon. There were no written names on the ticket except Robert Mallon.

*Question by Mr. Spilman:* "How came you to be so particular to see my name on the ticket, and none of the others?" *Answer:* Because I heard you make a speech, and I thought you ought to have the office. I heard one other man speak also.

(*Cross-examined.*)

The name of R. B. Spilman was on the ticket I voted, twice. I state that positively. I read the ticket over.

MRS. EMMA WHALEN, being first duly sworn, testified as follows:

*Question:* "Mrs. Whalen, you testified before Judge Harper that you were acquainted with Jas. Boller, and knew him when he was born; you also stated that you had a record. Is that record still in existence?" *Answer:* Yes, sir.

*Ques.:* "Is that the book (presenting a bible) in which the record was made?" *Ans.:* Yes, sir. That record contains the date of the birth of my daughter. The record has never been changed. The book has remained in my possession ever since. I am satisfied that the date given there is the date at which my daughter Rachel was born. I was married to my first husband April 15, 1858. (The record purporting to be that of the birth of the daughter of Mrs. Emma Whalen, was as follows: Record: "Anna Rachil Baldwin was born in the year of Our Lord 1859, on the 17th January—Monday.") The record was made by Mr. Baldwin. It was made a few days after the birth of my daughter.



THOMAS DIXON, being first duly sworn, testified as follows:

My name is Thomas Dixon. I reside in Ogden township, Riley county, Kansas. My place of business is Junction City. I know James Boller. I saw him on the 5th of November on the streets of Ogden, in this county. I don't think I had any conversation with him on that day, unless it might have been in passing by. I did not give James Boller any ticket on that day. I did not get down till the 11 o'clock train, and was not at the polls more than fifteen minutes. I don't recollect that I gave him any ticket. If he got a ticket from me, it was when going by and asking for one, and I don't even remember that. I presume I had in my hand every kind of ticket in circulation there. I have no recollection of giving James Boller a straight Republican ticket, nor any other ticket, on that day, and at the place mentioned; nor at any other place that I recollect of.

*Question*: "If James Boller had come to you and got a straight Republican ticket, would you have remembered it?" *Answer*: I don't see why I should not, although on election day it is customary for so many to be around that it is hard to remember who I gave tickets to. But in no instance have I any recollection of having any conversation with this man Boller. I am an old resident of Ogden township, and am well acquainted there with the people generally. They know me, and when I go into town it is customary for almost everyone to speak to me. I have considerable business in Ogden. I give a good deal of attention to my business. I think a little more of my business than of any thing else. I generally recollect when I meet any one from my neighborhood. This man Boller is a man I never stopped to converse with much. I would not pretend to say that it would be possible for me to remember every man who stopped and asked me for a ticket. I did not give very many tickets out that day. I took very little interest in the election that day. I testify to this as I do to any other testimony, from the most searching thoughts of my memory. It is possible, but not very probable, that I would be much out of the way in a matter of this kind.

ALBERT ANDERSON, being first duly sworn, testified as follows:

My name is Albert Anderson. The deposition taken before Judge Harper, in December last, is incorrect as regards the



time I came to Manhattan township, wherein it states that I came into the township on the 8th of October, 1878. I am a Swede. I first came to the United States in 1869. I took out the first naturalization papers in 1872. I returned to Sweden in 1874. I returned from Sweden to this place on the 15th of May last. When I went to Sweden, in 1874, it was with the intention of returning to America again. When I came back the second time, I came to St. George, and from there I went to Zeandale township, Riley county, Kansas, and remained there until I came to Manhattan township. I came into Manhattan township on the 3d of October, 1878.

*(Cross-examined.)*

When I left Kansas, in 1874, I went to Indiana to see if I could get some work. I did not give up my home in Kansas. My home in Kansas was at Manhattan. I remained in Indiana three months, at work. When I left Manhattan, in 1874, to go to Indiana, to get work, it was my intention to return to Manhattan. I did not intend, at that time, to go to Sweden, but I got a letter from Sweden that my mother had died, and I wanted to return on that account. My house was in the town of Manhattan, and when I went to Indiana it was my intention to return to Manhattan. Prior to my return, I resided in Zeandale township. I worked in a livery stable in Indiana. I had no fixed and definite purpose for which to go to Indiana. It was my intention to go to Indiana and get work as long as I could, and then come back. I went to Indiana in the fall. When I received the letter from Sweden I did not change my intention of coming back. I went to Sweden to get my share of the property. I stayed in Sweden about four years. I performed no duties to the government while there; nor did I pay any taxes. It took about two months to finish up my business in Sweden. I did not get married there. I intended to return when I got the business settled. When I got the business settled I got sick, and did not have money enough to get back, and had to go to work. I worked in a paint shop two and a half years for the government, on a railroad. When I started, I intended to return to my home in Manhattan. I did not look upon and regard Zeandale township as my home while there. I looked upon and regarded Manhattan as my home while in Sweden. I did not look upon and regard Indiana as my home while in Sweden. I stated, in

my deposition taken before Judge Harper, that I returned to Manhattan on the 3d of October, and not on the 8th of October. It was a mistake. I knew the time, because I knew when my house-rent was due. My home in this town, when I started, was with a Swede family. The man's name was Charles Hjelm. I have, since leaving Kansas in 1874, returned to Charles Hjelm, in Manhattan. My home, when I left in 1874, was in a cigar factory on Second street. When I left I intended to return to Manhattan. I do not recollect the day when I first discovered the mistake in my testimony before Judge Harper, but it was one day when I was talking to Judge Harper. I live at present in Manhattan, but work in the country.

ANTON PORCH, being first sworn, testified as follows:

I live up to Ogden, Ogden township, Riley county. I first went to Ogden about three years ago. I have not been working there all the time. I have been working on the Republican. I am going to be twenty-four years of age in May. I don't know when I was born. I know I am twenty-three, because I kept account from the first. My father and mother live on Rock Creek, in Pottawatomie county. When I get out of work I go back to father's and mother's. When I get out of work with Mr. Waxelbaum, I don't stay there any longer. I have now been working for Mrs. Pat. Dixon, on the Republican, in Davis county. In October I was sick, and stayed with Gust. Smith, in Ogden. I was sick about three months. I commenced working for Mrs. Dixon in March, and worked five months, on the Republican. When sick, I stayed with my brother-in-law, Gust. Smith, about three months. After I got well, I worked for Waxelbaum, cutting hay. This was about election time. I remained in Ogden, after election, until December, and since then, have been working on the Republican. I have no particular place for home, but make my home wherever I work. When I went to Ogden, I went there to stay as long as I got work. I voted at Ogden at the last election. Mr. Waxelbaum gave me the ticket. I voted the ticket which he gave me. I have been in America six years. I have never taken out any naturalization papers. My father has been here seven years, and he took out papers when he came. He took a homestead. I don't know whether he ever took out his second papers or not.

(*Cross-examined.*)

I live in Ogden with my brother-in-law, Mr. Smith. I make that my home when I am not working for any one. I intended to go back and work for Mrs. Pat. Dixon, on the Republican, when I got well, but I did not get well soon enough. I regard Rock Creek, my father's place, as my home, and did so regard it on the 5th of November, 1878. I regarded Ogden as my home when I came back from Mrs. Pat. Dixon's. I have made my home mostly at Gust. Smith's, in Ogden, for the last three years.

Mr. WAXELBAUM, being sworn, testified as follows:

I may have given Anton Porch a ticket. I am not positive at all as to that. I don't think I gave any person a ticket with Capt. Spilman's name on during election day. I am certain that I did not give out any tickets with Capt. Spilman's name on, because that is not the kind of tickets I peddle.

ED. LAKE, being first duly sworn, testified as follows:

My name is Ed. Lake. I reside in Ogden. I am just like the wild geese. I go back and forward, as the weather suits. I was in Ogden on the 5th day of last November. I have been there continuously from that time until the present. I have worked for Waxelbaum. From the time I left until I came back in April, I was in the Indian Territory. I came back in April, 1878. I had lived in Kansas prior to coming here in April. When I went away I was living in Anderson county, near Garnett. I had been living there four or five years before I went away. I owned real estate in Anderson county, near Hungry Hollow.

*Question:* "What township is it in?" *Answer:* You beat me there. I had eighty acres of land there, when I left to go into the Nation. I came back to my home in Anderson county. I have never changed my place of residence. My home is in Kansas. I call my home right where I am now. My home is always where I work. When I get through with Mr. Waxelbaum, I go some place else to work. I have no family. The land I had in Anderson county was taken as a homestead by me, but the M. K. & T. railroad claims it. I took it about four years ago. I live in Ogden township when I get work there. I voted at the election on the 5th of

November. I don't know whether I voted for anyone for Representative or not. Jesse Bannister furnished me with the ticket, and I voted that ticket. I did not look over the ticket that he gave me. I did not talk to Mr. Bannister about who was running. I did not hear any talk about any man by the name of Mr. Allen or Mr. Spilman. He did not say what kind of a ticket he gave me. He gave me the ticket, and said it was all right, and I voted it. It was a Democratic ticket. I only looked at the top, and I did not give a d—n what was in the body, so the head was Democratic.

*(Cross-examined.)*

When I came into Ogden, I came for the purpose of making it my home. I had lived four years before in Anderson county. I last came into Anderson county from the Indian Territory, about the middle of April, 1878. I have looked upon and regarded Kansas as my home since I came into the State. I came into Ogden in June last. I have no land in Anderson county now. It belongs to the railroad company.

R. L. WARLICK, being first duly sworn, testified as follows:

My name is R. L. Warlick. I stop in Ashland township, Riley county. I was born in 1855. I was in Ashland township on election day in 1878. I don't know positively how long I had been there. I don't think I had been there two weeks. I came from Humboldt Creek, in Davis county. I voted in Ashland township, at the November election in 1878. I don't recollect if I voted for anyone for Representative. I don't know positively whether I voted for J. M. Allen for any office. I received the ticket of Mr. Johnson Williams, as well as I recollect. It was a Greenback ticket, as well as I recollect.

*Question by Mr. Spilman:* "Was this the kind of a ticket you voted?" (presenting a National Greenback ticket.) *Answer:* Yes, sir; as well as I recollect, that was the ticket I voted, with the exception of the township officers. There were no names scratched off the ticket I voted. I voted a full ticket.

*(Cross-examined.)*

To the best of my recollection that is the ticket (referring to the Greenback ticket examined) I voted. As well as I recollect, the name of J. M. Allen was on the ticket I voted, but am not positive. Mr. Williams gave me the ticket. I had the ticket about



three-quarters of an hour before I voted. Other tickets were given to me in the meantime. I don't recollect how many. I know the ticket I voted was headed "Greenback Ticket." I don't recollect all the names on the ticket; I don't recollect whose name was on for Governor, nor for Lieutenant Governor, nor for Secretary of State, nor for Congressman at Large, nor for Congressman of the First District, nor for State Senator, nor for County Attorney, nor for District Clerk, nor for Representative, nor for Superintendent of Public Instruction. I say I don't recollect what office they were running for. I do recollect that the ticket was headed "The Greenback Labor-Reform Ticket." I voted the whole ticket. I don't recollect that Spilman was on that ticket for County Attorney. I don't think he was. I don't recollect that he was on for Representative. I only know that I voted a Greenback ticket, and the names, as near as I can recollect, were the same as the names on that ticket (referring to the Greenback ticket examined). I don't know, but as well as I recollect, I had one Greenback, one Republican and one Democratic ticket given me. There were others in the house when I voted. I folded the ticket shortly after I got it. I did not fold any of the others. I came into Ashland township about two weeks before voting. I came from Davis county. I was in Ashland several times, and had lived in Ashland about three months before this. I had been living with Mr. Williams, and made it my home. I first came into Ashland township, to Mr. Stone's, about the last of March, 1878, and worked there a few days, and then went to Mr. Ed. Williams's and worked a couple of months. Then I went to Davis county, and stayed there three or four months. When I got through there, I came back to Mr. Johnson Williams's, and have been there ever since. When I left Riley county I intended to come back to Ashland township, if I got out of work and could get a job there. I had my washing done at Mr. Terrell's place, in Manhattan township. I have regarded wherever I was working as my home. I regarded Ashland township as my home while I worked for Ed. Williams. When I left Ed. Williams's and went to Davis county, I regarded that as my home. My mother is living in North Carolina. I am not a married man. I was born in the United States. I only recollect positively that I voted the National Greenback ticket.



*(Re-cross Examination.)*

While working for Ed. Williams, I regarded that as my home, but got my washing done at Mr. Terrel's place. I generally spent Sunday down there. I remained in Davis county from the time of leaving Ed. Williams until I came back to work for Johnson Williams, and during that time looked upon Davis county as my home, while at work. I engaged to work one month when I went to Davis county, and after the expiration of that time I continued to work for the same man, but did not engage for any particular time further. I intended, if I got out of a job in Davis county, to come back to Ashland township. I had no expectation of getting work in Ashland when I left Ed. Williams. I expected to make my home while at work wherever I could get work to do. Before election I guess I heard the names of the men running for Representative, but don't recollect who they were. Mr. Williams was in the school house where the election was held, when he gave me the ticket. He told me there was a ticket I could look at. I don't recollect that he said anything else. He told me to vote as I pleased. I intended to vote the National Greenback ticket. I can read. I read the ticket. I told Mr. Stone that I voted the Greenback ticket, as well as I recollect. I have no land in Ashland township. I have a pony. I took that with me. I made my home wherever I stopped and worked. I had my washing done at Mr. Terrel's all the time. The Greenback ticket was all the one that Mr. Williams gave me. Some one else gave me a Democratic ticket and Republican ticket. Mr. Williams told me to vote. I read the ticket all over before voting. I am sure there was no writing on the ticket except "Road Overseer." There were no printed names put out, but there were blanks left for county officers. I don't know the difference between county and township officers. As well as I recollect there were no printed names for county or township officers. I mean that county and township officers were left blank. I am from North Carolina. I don't recollect that any one told me what kind of a ticket it was. I read and write. I filled the blanks. I don't recollect the names I put on the ticket. I put on the names for all the county and township officers. For the office of Constable the name was written, and for Treasurer I wrote the name; also for Road Overseer. I put out no printed names, but only filled out the few names at

the bottom of the ticket. The places were blank for Trustee, Constable, and Road Overseer. I don't mean to say that there were no names printed for Representative and County Attorney. It was only a few names at the bottom of the ticket that were left blank. I had the ticket about three-quarters of an hour. I looked over the ticket carefully. As well as I recollect there were no names pasted on for Representative. I did not see anything wrong with the ticket—any scratches, or anything.

JOHNSON S. WILLIAMS, being first duly sworn, testified as follows:

My name is Johnson S. Williams. I reside in Ashland township, Riley county. I know Mr. Warlick. He has been working for me. I gave him three tickets at the last election—one National Greenback, one Democrat, and one Republican. J. M. Allen was on the Greenback ticket, which I gave Mr. Warlick, for Representative. The blanks were simply township officers. The blanks I filled out were township officers. I did not see any tickets with the names of township officers printed on them. I cannot say whether I filled Warlick's ticket or not. I think it was filled, but would not be positive. I gave him three tickets—one National Greenback, one Democratic, and one Republican. I am positive about that. I did not see Mr. Warlick vote. There were no National Greenback tickets there with the name of R. B. Spilman on for Representative. Mr. R. B. Spilman's name was on the Republican ticket which I gave Mr. Warlick. I gave them straight Republican tickets when asked for them.

EARNST HEINEN, being first duly sworn, testified as follows:

My name is Earnst Heinen. I live in Riley Center, Madison township, Riley county. I have lived there six years, in May, 1879. I know a man living there by the name of Howerton. I don't know his initials, but it is the only one of that name living in that part of the county that I know of. He lives four-and-a-half miles due north of Riley Center. He is not in our township. I don't know what township he lives in. He has lived there about three years, continuously, on a farm, to the best of my knowledge. As far as I know, he was living there November 5th, 1878. As far as I know, he has made his home there.

REINT SCHÖNHAVEN, being first duly sworn, testified as follows:

My name is Reint Schönhaven. I live at Riley Center, Riley county. I have lived there one year. I know a man by name of Howerton; his name is John Howerton. I have known him one year. He has a family. He lives four and one-half miles north of Riley Center, in Bala township. He has lived there all the time since I knew him.

A. L. HOUGHTON, being first duly sworn, testified as follows:

I am Sheriff of Riley county, Kansas. My name is A. L. Houghton. I have a subpoena for J. P. Howerton. I did not serve it on Mr. Howerton, for the reason that I had not a horse fast enough to catch him. I think I saw him. I went to the house to serve the subpoena. His wife was there. I inquired if he was at home. She answered that he had gone to Clay Center early in the morning. She said there was a man came up from Manhattan about five o'clock in the morning, and told him there was a subpoena out for him, and he did not want to come, so he had gone away. I thought I saw him when I first went there. I saw a man on a white-faced horse, about one and one-half miles away, and was told by another man that that was Howerton on the horse. The actions of the woman lead me to think that she was deceiving me. The second time I went there I thought he was in the house, because I heard the children up stairs call the name of "father." The dogs raised an alarm, so I did not find him when I went in. After I went away the first time, I concealed myself in a ravine, in tall grass. I then saw the man on the white-faced horse ride to the stable, and put his horse into the stable and go into the house. I lay in the grass until dark, and then went to the house the second time. I asked his wife if he was at home, and she told me no; then she told me that a man came up from Manhattan in the morning, and told him that there was a subpoena for him, and he went away because he did not wish to come. I left a copy of the subpoena for him at his residence. I left the copy there the first time I was there. I was out in the grass about one and one-half hours after I saw the man on the white-faced horse.

After the examination of Sheriff Houghton, Mr. Kimble, counsel for J. M. Allen, contestant, offered to produce evidence

to show that Lovel Tilford voted, and that he voted for R. B. Spilman.

The committee decided to take no further testimony in regard to Mr. Tilford, to which decision the contestor excepted.

The contestor also offered to prove that Chas. Johnson never claimed a residence in Riley county.

The committee refused to hear any testimony in regard to Chas. Johnson, and contestor excepted to the ruling.

Contestor also offered evidence in regard to Mark A. Reaves, with the same result as above, and the contestee excepted.

The contestor also asked to have the testimony of Albert Anderson stricken out, for the reason that the committee had already made a final decision, and that any evidence introduced at this stage of the proceedings is improper and immaterial.

The following names were found on the poll lists in the different townships: In Ashland township, R. L. Warlick. In Manhattan township, Samuel Donnelly, and S. Donnelly; also, B. Gruel (sworn), J. B. Howerton, J. H. Kent, and F. C. Abbot. In Ogden township, Ed. Lake, Henry Miller, and Anton Porch.

MR. WAXELBAUM, being first duly sworn, testified as follows :

My name is Theodore Waxelbaum. I reside in Ogden, Riley county, Kansas. I have resided three years in Riley county. I was acquainted with Henry Miller. He worked for me on November 5, 1878. He had been in my employ about one and one-half years; not continuously, however. He has a family in Hays City, Ellis county, Kansas. I don't know that he had any homestead; he had none as long as he was with me. He left me about the time threshing commenced, in August. He came back early in September, after which he worked for me until in December. I had hired him for no particular time. He left me in the beginning of December, and went back to Hays, in Ellis county. I heard from him about a month ago; he was then at Hays City. I think he voted in Ogden township. I don't know for whom he voted. I don't think I furnished him with a ticket.

(*Cross-examined.*)

He went out with a threshing machine, near Solomon City, in July. The outfit was composed of some other parties from near Ogden. He came back with the same parties he went out with.

Mr. FIRESTONE, being first duly sworn, testified as follows:

My name is George Firestone. I have resided in Manhattan since April 14th, 1871. I knew B. Gruel. I was here about election time. He was in the employ of Bradford, putting up lightning rods. I can't tell as to when he came to Manhattan. He was here at different times during the season. He lives in Valley Falls.

*Question*: "How do you know that he lives in Valley Falls?" (Contestor objected to the testimony, for the reason that it is not competent.) *Answer*: He told me so. His business was putting up lightning rods.

*Ques.*: "Did he have any residence here?" (Objected to, for same reason as above.) *Ans.*: He boarded at the Cottage Hotel. He remained here only a short time after the election.

*Ques.*: "Did he vote here in November?" (Objected to, for the reason that the poll-books are the proper testimony to show that.) *Ans.*: He admitted to me that he voted. He stated that he voted the Greenback ticket. (Objected to as incompetent.)

(*Cross-examined.*)

I have known Mr. Gruel for some time. In the early part of the season he was in the employ of Cole Brothers. He quit working for them shortly before the election. A short time after he quit working for Cole Brothers, at this place, he gained employment with Bradford, in this place. He was employed by Bradford only a few days after he quit Cole Brothers.

The following is the deposition of witnesses taken before R. J. Harper, Probate Judge for Riley county, Kansas, on the 9th day of December, 1878, and succeeding days. Hon. J. M. Allen appeared in person and by his attorneys, Kimble & Hilton; Hon. R. B. Spilman appeared in person and by his attorneys, Green & Hessin.

WILLIAM BURGOYNE, of lawful age, being by me first duly examined, cautioned, and solemnly sworn to testify the truth, the whole truth, and nothing but the truth, deposes and says:

(Before any questions were answered, thereupon the said R. B. Spilman, contestee, objected to the introduction of any evidence in this proceeding, for the following reasons: 1st, Because the proceedings purport to be in the probate court, and it has no jurisdiction. 2d, Because the notices are informal, incorrect, in-



definite and insufficient. 3d, Because filing of the declaration of contest was made prior to the declaration of the State Board of Canvassers of the result of the election.

I am County Clerk in this county. I have in my possession the poll-books of November, 1878. I have the poll-books of Manhattan and Ogden townships with me of that election. The election was held November 5, 1878. The office of Representative Seventy-sixth District was voted for at that election. The candidates were R. B. Spilman and John M. Allen. The tally-list is included in this poll-book.

*Question:* State from the poll-list whether the name of John Morrow appears on that list. *Answer:* There is a name on the poll-book, "J. M. Morrow," marked "sworn." I find the name, "M. A. Reeves," marked "sworn." I find the name, "John Mann." I find the name, "F. Jewell," marked "sworn." I find the name, "A. W. Deputy." I don't find the name, "Henry Telford." I don't find the name, "L. L. Telford," on the roll. I find the name, "C. F. Keables," marked "sworn." I find the name, "Albert Anderson." I don't find the name, "A. Beachmer?"

Q. Do you find any name like "A. Beechmer?" (Objected to by contestee as incompetent and irrelevant.) A. I find one name, "A. Beacham," marked "sworn." I find the name, "Charles Johnson." I find the name "Henry Bennett." I find the name, "Lewis Hayden." I don't find the name, "Samuel Foster." I find the name, "C. A. Boyden." The name No. 400 on Manhattan list is, as near as I can make it out, "Forte," or "Foster." The last letter and third are not formed. I have the poll-books and list of Ogden township for the election of 5th of November, 1878. There was an election of office of Representative Seventy-sixth District. Candidates voted for were, J. M. Allen, R. B. Spilman, and Walters. It appears from the poll-books that the election was held in Ogden township, in the city of Ogden.

Q. In referring to the list of Ogden township, do you find the name, "James Boller," as a voter? (Objected to by contestee, for the reason that the judges and clerks of said election were not sworn, as required by law, as appeared from the poll-books of said election.) A. I find the name, "James Boller," as No. 44.

WM. BURGoyNE.

MARK A. REEVES, being duly sworn, says:

I live at Manhattan. I was twenty-one last January. On the 5th of November last I was in Manhattan.

*Question:* Did you vote on the 5th of November last, at Manhattan? (Objected to by contestee, for the reason that in the notice to take the deposition, and the list of illegal voters attached, as required by law, the name of this witness does not appear, nor do the poll-books heretofore exhibited show that this witness voted at said election.) *Answer:* Yes.

Q. When casting your ballot at said election, did you vote for any one for the office of Representative of the Seventy-sixth District? (Objected to for same reasons as above—to the last question.) A. Yes, sir.

Q. For whom did you vote for that office? A. I refuse to answer the question. I came to Kansas in the spring of 1860. I came into this county December 27, 1877. I came into this township the same day.

Q. When you came into the township, what did you come here for? (Objected to as incompetent, irrelevant and immaterial.) A. I came for different purposes.

Q. What was the main purpose? (Objected to as incompetent, irrelevant and immaterial.) A. I came to work, to go to college, or do whatever I could get to do. I have been working and going to college.

Q. Were you in attendance upon the college during its collegiate terms? (Objected to as incompetent, irrelevant and immaterial.) A. I have been. I came from Americus, Lyon county, Kansas.

Q. Were you, at the time of casting your vote, prosecuting a course of study in the Kansas State Agricultural College? (Objected to as incompetent and irrelevant.) A. I was, and am now. I was then prosecuting my studies during all the sessions of the college.

Q. Did you enroll yourself as a student of the college when you first came here? (Objected to as incompetent, irrelevant and immaterial.) A. I did. It was my intention when I came into this township to pursue this course of study if I was able to, and I have found myself able to ever since.

Q. Have you at any time since coming into this township

changed that intention? (Objected to as incompetent and immaterial.) A. I have not.

Q. When casting your ballot for Representative of the Seventy-sixth Representative District of Kansas, for whom did you vote? (Objected to, for the reason that the proper ground has not been laid for the question; witness refuses to answer; attorneys for contestor insist on an answer; objection sustained, and witness not required to answer.)

Q. Have you, since coming into this township and county, formed any intention as to what you shall do when you complete your course in college? (Objected as incompetent, irrelevant and immaterial.) A. I have not.

Q. You have not formed any intention of living here after completing your course at college? (Objected to as leading and irrelevant.) A. I have no particular intention of staying here or going anywhere else. I performed labor during term of college and vacation for the purpose of supporting myself.

Q. When you came into this township to go to college, did you have any intention to make this your home after completing that course? (Objected to as incompetent, irrelevant and immaterial.) A. When I came here, I came with the intention of working my way through college, and after I got through, I calculated to make my home wherever I could get work to do.

Q. Had you, at that time, formed any positive intention that you would not, upon completing your course in college, return to your home in Lyon county? A. I did not form any more intention of returning there than going anywhere else, or remaining here; had not formed any particular intention at all.

MARK A. REEVES.

JOHN N. MORROW, being sworn, says:

I reside in Riley county. My age is twenty-one, August 5, 1878. I reside in Manhattan township. On the 5th day of November, 1878, I was in Riley county, Manhattan township. I came into Manhattan township, Riley county, the 3d or 4th of last September. I came from Johnson county, Kansas. I came from Mercer county, Illinois, to Johnson county. I came to Johnson county in the fall of 1869.

*Question:* Did you, on the 5th day of November last, vote at the election in Manhattan? (Objected to, for the reason that

the poll-books of Manhattan township do not show that this witness voted at said election, and for the reason that the list of illegal voters in notice served on contestee does not contain the name of John N. Morrow, this witness.) *Answer:* I did. I cast a vote for the Representative of the Seventy-sixth Representative District of the State of Kansas.

Q. For whom did you vote? (Objected to, for the reason that the grounds have not been laid; witness refuses to answer; contestor's attorneys insist on an answer; objection sustained; witness excused from answering.) A. When I came into this township, I came that I might have the advantages of the Agricultural College for my own benefit.

Q. When you came into this township did you not come for the purpose of attending the Agricultural College as a student? (Objected to, for the reason that it is leading, incompetent and irrelevant.) A. I certainly intended to attend the college, but there were other motives that prompted me to come. I have been attending the college since I came here during college days, and doing some work other days. I have attended as a student. I have no parents residing in Johnson county. I have relatives and friends. I lived with my brother.

Q. When you came into this county and township, was it or was it not for the purpose of pursuing a course of study at the Agricultural College? (Objected to, as leading, incompetent, irrelevant and immaterial.) A. I did.

Q. Have you ever since that time been pursuing that course of study? (Objected to, as incompetent, irrelevant and immaterial.) A. I have. I have not yet completed that course of study.

Q. During your stay in Manhattan township, have you acted in any other capacity than as a student at the Agricultural College? (Objected to, as immaterial.) A. I have attended to other business that related to my interests.

Q. Was it or was it not your main interest to pursue your course at the college? (Objected to, as incompetent and irrelevant.) A. That was my main interest.

Q. When you came into this county and township had you formed any intention as to what you would do subsequent to your leaving college? (Objected to, as immaterial and irrelevant.) A. I had not.



Q. Prior to the time of casting your vote, had you formed any intention as to what you would do, after completing your course at the college? (Objected to, for the reason that it is immaterial, irrelevant and incompetent.) A. I had not. When I came into the township and county, I at once enrolled myself as a student at the college.

Q. When you cast your ballot at the election in November last, for whom did you vote for Representative of the Seventy-sixth District? (Objected to, for the reason that the grounds have not been laid for the question; witness refuses to answer; objection sustained, and witness excused from answering; to which ruling contestor excepts.)

Q. Had you at any time after coming here, and prior to time of voting, formed any intention of remainig here after completing your course at college? (Objected to as incompetent and immaterial.) A. I did not know whether I would remain or not.

Q. Don't you know whether or not you had formed any intention of remaining at this place after completing your course at the college? (Objected to as incompetent and irrelevant.) A. I think I know.

Q. From what you know, had you formed any intention of remaining at this place after completing your course at college? (Objected to as irrelevant and incompetent.) A. I think I had not formed such intention, as I did not know what I would do.

Q. When you came into this county and township, was it, or was it not, with the intention that you would, upon completion of your course at college, return to your home in Johnson county, Kansas? (Objected to as irrelevant and immaterial.) A. It was not. I had no home to return to, except wherever I paid my board was my home. It was not my intention to return to Johnson county, Kansas, on completion of my college course.

(*Cross-examined.*)

Question: You say you live in Riley county, Kansas? Answer: Yes.

Q. How long prior to the 5th day of November, 1878, have you resided in Riley county, Kansas? A. About two months.

Q. How long had you resided in the State of Kansas? A. About nine years.



Q. When you came to Riley county, Kansas, you came for the purpose of making this your home? A. I did.

Q. In your examination-in-chief, Mr. Morrow, you stated that you did not know that you had formed any intention of remaining at Manhattan after finishing your college course. Now I will ask you to state whether, at the time mentioned in this question, you had any intention of leaving Manhattan at the completion of your college course. A. I had not.

J. N. MORROW.

Adjourned until 9 o'clock to-morrow morning.

JAMES BOLLER, being sworn, says:

I live in Ogden township, Riley county, Kansas. I have been in Kansas 16 years last spring. I have been in Ogden township since last July. I will be twenty-one years old the 24th of next January. I was on the 5th of last November in Ogden township. On the 5th of November last, in Ogden township, I voted at the election. That vote was cast at the place of election in Ogden township. I cast a vote for a Representative of the Seventy-sixth District of the State of Kansas.

*Question:* For whom did you cast that vote? (Objected to for the reason that the same is incompetent and irrelevant, and for the reason that it is not a proper time to ask the question; contestee asks the privilege to cross-examine the witness before witness is allowed to answer the question; objected to by contestor; objection sustained.) *Answer:* I voted for Spilman. I don't know his initials. I know the man for whom I voted. I have seen him. That is Mr. Spilman (pointing to R. B. Spilman).

(*Cross-examined.*)

*Question:* How do you spell your name? *Answer:* Boller.

Q. How long have you lived in Ogden township? A. I came there about sixteen years ago.

Q. During your residence of sixteen years, have you been absent, and how long? (Objected to as immaterial and irrelevant.) A. I was absent about two years?

Q. When did you leave Ogden township, and what time did you return? (Objected to as irrelevant.) A. I left last June, and came back in August—in July I should say.

Q. What time in July? A. About the last of July.

Q. Have you parents residing in Ogden township, or relatives or guardian? (All questions on that point objected to, on account of being immaterial and irrelevant.) A. Yes, I have relations there.

Q. What is the name of your relation? A. John Boller.

Q. With whom have you been living since the latter part of July, 1878, in Ogden towship? (Objected to.) A. At different places. Have been on the railroad since the 29th of August, as section hand.

Q. I will ask you to state now with whom you were living on the 5th of November, 1878. (Objected to.) A. Joseph Myers.

Q. Can you read? (Objected to.) A. Yes—some.

Q. How long since your parents died? (Objected to.) A. My father died about twelve years ago; my mother is still living.

Q. What means have you, if any, of knowing that you will be twenty-one years old the 24th day of next January? (Objected to, on the ground of irrelevancy and incompetency.) A. I have an aunt who has a record of my age.

Q. Where does that aunt reside? A. In Ogden township.

Q. How long has she resided there? (Objected to, as immaterial and incompetent, and that the grounds have not been laid.) A. I don't know exactly how long.

Q. What is this aunt's name? A. Mrs. Whalen.

Q. Have you ever seen this record that you say is in possession of Mrs. Whalen, and examined it with reference to the date of your birth? (Objected to, as immaterial, incompetent, and that the grounds have not been laid.) A. I have seen the record.

Q. From your recollection of an examination of that record, when were you born? (Objected to, on the ground that it is not the best evidence, and is incompetent.) A. January 24, 1857.

Q. You say you voted at the election, in Ogden township? A. Yes.

*(Re-direct Examination.)*

*Question:* You state that you have seen the record of the date of your birth, and that, from your recollection, you were born January 24, 1857? *Answer:* Yes.

Q. May you not be mistaken in your recollection of it? A. I don't think that I am.

Q. How long since you have seen this record? A. About a year.

Q. This statement is only from your recollection? A. Yes.

Q. Have you any other means of knowing your age. A. No.

JAMES BOLLER.

JOHN MANN, being sworn, says:

I live at Manhattan, Riley county, Kansas. I came into the State of Kansas six years ago last November. I came into this county two years ago last August. I came into this township same date. On the 5th day of November, 1878, I was in this township, county and State. On that date, at Manhattan, I voted at the election. My vote was received. I cast a vote for Representative of the Seventy-sixth District of the State of Kansas at that election.

*Question:* For whom did you vote? (Objected to, for the reason that the statutory ground had not been laid for the question; that it is immaterial, irrelevant and incompetent; witness refused to answer; contestor insists on an answer; witness excused from answering the question, to which ruling contestor excepts.) *Answer:* I came from Rice county, in this State, to this place. I came into this township for the purpose of making a living. I had another purpose—that purpose was to attend the college during its session for a time. I enrolled myself, on my arrival in this township, as a student at the Agricultural College at this place. I did not, at the time of enrollment, register my name and place of residence. I believe my name was registered at that time, and my place of residence was registered at this place. I have not had my name and place of residence registered differently. I have, since my arrival in this place, been attending the sessions of the college as a student, with two exceptions—I did not attend the sessions for about ten days, at two times.

Q. When you came into this township, was it, or was it not, with the intention of attending the college as a student? (Objected to, as being incompetent and immaterial.) A. Not my sole intention.

Q. Was not that the main intention? (Objected to as incompetent.) A. It was for a time—a short time.

Q. Since coming into this township, have you been pursuing that course of study at the college? (Objected to as irrelevant, immaterial and leading.) A. Yes, with the exception stated.

Q. At the time of the two exceptions, what were you doing then? A. The first time I was working in the College nursery; the second time I was doing nothing. When doing nothing, the second time, I was at my boarding place in this township. I have no home in Rice county, Kansas. I have parents and friends in Rice county, Kansas. Have no wife.

Q. When you came into this county and township from Rice county, Kansas, had you formed any intention as to what you would do when you completed your course at the college? (Objected to as irrelevant and immaterial.) A. I did not expect to complete the course.

Q. When you came into this county and township, had you formed any intention as to what you would do upon giving up your position as a student of the college? (Objected to as irrelevant and immaterial.) A. I don't know that at the time I entered the college that I knew positively what I should do upon leaving the college.

Q. Then had you, or had you not, formed any intention? (Objected to as immaterial.) A. I did not know that I had any positive intention as to what I should do. I was absent from this township on a short visit of about eight days, to Rice county. I visited friends and relatives, including my parents. The principal part of the labor I performed since coming into Manhattan, was performed in this township. It is hard to tell for whom. The principal part of the labor, or as much as any I performed, has been outside of the college. The work I performed was, for the time I was at college, performed for the purpose of supporting myself in college. Otherwise, not. I have formed an intention as to what I shall do when I leave college. I cannot state the exact time I formed the intention. That intention is, to pay my debts.

Q. Have you, or have you not, formed the intention, as soon as you quit college, of taking up your residence in this place? (Objected to as irrelevant.) A. I think I have.

*(Cross-examined.)*

I did not intend in my last answer to convey the impression that my residence was not already in this place.

*Question:* How long have you been in this township and county? *Answer:* Two years ago last August.

Q. When you came into this township did you come for a

temporary purpose merely, or the purpose of making it your home? (Objected to, as irrelevant, immaterial and incompetent, and that the proper grounds have not been laid for asking such question.) A. I came for the purpose of making it my home, just as much as any business man would come to engage in business.

*(Re-direct Examination.)*

*Question:* When voting at the election, November 5, 1878, for whom did you vote for Representative of the Seventy-sixth District of the State of Kansas? (Objected to; objection sustained, and witness excused from answering, to which ruling contestor excepts.)

Q. You state that when you came here, you came here to make this place your home, as much as any business man would make it his home to engage in business. Was or was not the business for which you came to this place the pursuing a course of study, or part of a course of study, at the Agricultural College? (Objected to, as immaterial.) A. It was, for a term.

JOHN MANN.

FRED. JEWELL, being sworn, says:

I live in Manhattan, Riley county, Kansas. On the 5th day of November, 1878, I was in this place. I have been in Kansas ten years. I have been in Riley county one year—about one year the middle of this month. In this township the same time. I came from Butler county, Kansas, to this place. On the 5th of November, 1878, I cast a vote, in Manhattan township, at the election that day. My vote was received. I voted for a Representative of the Seventy-sixth Representative District of the State of Kansas.

*Question:* For whom did you vote? *Answer:* I refuse to answer. (Contestor insists on an answer; witness excused from swering, to which contestor excepts.) I came into this township and county for the purpose of making a living, and getting an education at Manhattan, at the Kansas State Agricultural College.

Q. What was the main purpose of your coming here? (Objected to.) A. To get an education. I am twenty-one years old. I was twenty-one on the 5th of November last. On my arrival at this place I enrolled myself as a student at the Kansas



State Agricultural College. At time of enrollment, I did not register my name and place of residence.

Q. At time of enrollment at college, was your name enrolled by any one for you, under your direction or knowledge? A. I think my name and post office was registered there. From my best recollection, my name was registered, "Fred. Jewell, Manhattan, Kansas." My name and place of residence was handed in with my card of admission. My residence was then at Manhattan, Kansas.

Q. That which was handed in with your card of admission as your place of residence, was it then and now, your place of residence, or not? A. I think it is. Since coming into this township and county, I have been attending college during session, and in vacation, working. I have been pursuing a course of study at the college, during college terms, as a student. I was a student at the Agricultural College, at the time of voting—November 5, 1878. I have a father, relatives and friends in Butler county, Kansas. I had lived, up to the time of coming to Manhattan, with my father. I have not returned to my father's house since I commenced attending school at the Agricultural College.

Q. Had you, when coming into this county and township, formed any intention other than that of attending the college? A. I had the intention of making a living and attending the college.

Q. Have you, since coming into this county and township, prior to the 5th of March, 1878, formed any intention other than that stated in your last answer? A. I formed the idea of getting an education, and then I can't tell what I shall do.

Q. In what capacity have you been acting at the college ever since you came into this county and township? A. As a student.

Q. Have you formed any intention as to what you will do on the completion of your course at college? A. No.

(Cross-examined.)

*Question:* Where was your place of residence at the time you handed in this card you spoke of? *Answer:* At Manhattan, Kansas.

Q. Do you remember what you handed in on that card? A. Not definitely.

Q. State whether, by the regulations of the college, you were

required to hand in your former place of residence? (Objected to, on the ground that the evidence is incompetent and irrelevant.)

A. I could not say for certain, but I think we were required to enter former place of residence.

(*Re-direct Examination.*)

*Question:* Whatever you did hand in on that card was your place of residence, and is your place of residence now? *Answer:* If on that card the name of Manhattan was put, it is my place of residence.

FRED. JEWELL.

CHARLES JOHNSON, being sworn, says:

I live in Manhattan, Riley county, Kansas. I am about twenty-nine years old. I was on the 5th day of November, 1878, at Manhattan—this place. I have been in the State of Kansas about eight years. I am a Swede. I came from Sweden nine years ago last spring. I have taken out naturalization papers. I came into this county about the 24th of October, 1878. Prior to that I resided in Washington county, Kansas. On the 5th day of November, 1878, I voted at the election in Manhattan, Kansas. I don't know whether I cast a vote for Representative of the Seventy-sixth District. I did not read the vote. I do not know for whom I voted. I did not read the ticket, and don't know what ticket I voted.

*Question:* State who gave you the ticket and directed you to vote it. (Objected to as incompetent.) *Answer:* E. B. Smyth. Mr. Smyth lives on Blue bottom, Riley county.

Q. What, if anything, did Mr. Smith tell you when he gave you the ticket? (Objected to as incompetent, immaterial and irrelevant.) A. He said he wanted me to vote.

Q. Did Mr. Smyth tell you what ticket it was when he gave it to you? (Objected to as incompetent and irrelevant.) A. He said it was a Republican ticket.

Q. Did Mr. Smyth state to you what kind of a Republican ticket it was? (Objected to as irrelevant and immaterial.) A. He said it was a straight Republican ticket. I handed the ticket Mr. Smyth gave me in at the polls at Manhattan. It was received. I don't know whether it was put in or not. I don't know who took it from my hands.

Adjourned until to-morrow morning at 9 o'clock.

DECEMBER 11, 1878—9 o'clock A. M.

Parties present. Examination resumed.

(*Cross-examined.*)

*Question:* When did you say you came to America? *Answer:* About nine years ago.

Q. When did you first come to Riley county? A. About eight years ago.

Q. You have some real estate in Washington county? A. Yes.

Q. Have you been living on the land the last two years? A. sometimes living there; sometimes here.

Q. Have you had your land rented out the last two years? A. Yes.

Q. Where have you been living and making your home since you have had your land rented? A. Sometimes in Washington county; sometimes in Manhattan.

Q. Were you here in the spring of this year? A. I came here in the fall of 1877; in October.

Q. When did you go away? A. Sometime in January last.

Q. When you went away at that time, did you go away with the intention of coming back again? A. Yes, I did.

(*Re-direct Examination.*)

*Question:* When you came down here in the fall of 1877, what did you come here to do? *Answer:* To work.

Q. What did you do after you got here? A. Worked, husking corn.

Q. When you got through husking corn, did you go back to Washington county. A. Yes, I did.

Q. You say that you have land in Washington county; is this land a homestead obtained from government by you? A. Yes.

Q. You may state when you proved up on this homestead? A. Last August.

Q. When you handed your vote, where was the party sitting who received your vote? A. I don't remember where he was; he was close by the window.

(*Re-cross Examination.*)

*Question:* Was it August of this year, or August, 1877, that you proved up? *Answer:* It was of this year.

CHARLES JOHNSON.

HENRY BENNETT, being sworn, says:

My name is Henry Bennett. I am living at Manhattan, Kansas. I have lived in Kansas two years the 10th of next February. I came into Riley county, Kansas, in March last. I came into this township the same time. I came into this county and township from Silver Lake, Shawnee county, Kansas. That was my place of residence up to that time. I have a family—wife and children. They are at Chicago, Illinois. When I left them in Shawnee county, I left them at what was my home in Shawnee county, Kansas. They remained at that home till September 17, 1878. My wife and children have gone to Chicago to visit their friends and relatives. I first came into this county and township for the purpose of estimating on a contract to build the College building. I made an estimate, obtained the contract, and proceeded to put up the building. I was, on the 5th of November, 1878, still engaged in the performance of that contract, and am so engaged now. The performance of this contract was not the sole purpose for which I came at that time. I came for the other purpose of obtaining other contracts.

*Question:* Was it your intention, when coming here, that upon completion of your College contract, you should not obtain other contracts here, that you would go to any point where you could obtain a contract? (Objected to, as immaterial, irrelevant and leading.) *Answer:* I had no definite intention of that kind.

*Q.* When coming here, had you formed any positive intention of remaining here after completion of your College contract? (Objected to, as irrelevant, immaterial and leading.) I had, contingent upon certain events transpiring afterwards. Those contingent events were, securing business or other employment, after the completion of the contract.

*Q.* Have you obtained other employment, as referred to in the last answer. (Objected to.) *A.* It would be difficult to answer the question “yes,” or “no.” I have estimates in for other work, unanswered at this time. I am a contractor and builder. My business as contractor and builder is not necessarily confined to any particular locality.

*Q.* Is it, or is it not, the custom of your profession to go from point to point, as your contracts are at different points. *A.* As a rule, most contractors confine themselves to one locality as much as possible. I own property at Silver Lake, Shawnee

county, Kansas. I owned this property on the 5th of November, 1878.

Q. Of what does that property consist? (Witness refuses to answer; contestor insists on an answer; witness excused from answering; excepted to by contestor.) A. I have, since coming into this county and township, removed my family to this point. They remained with me from September 17 to October 30.

Q. Was it, or was it not, when you brought them here, for the purpose of attending on you whilst sick—the result of an accident at the College building—or for the purpose of taking up their permanent residence at this place? A. It was both; for the purpose of taking up a permanent residence, and for the purpose of attending on me for the time being.

Q. Did you at that time, or any time before or since, prior to the 5th of November, 1878, remove your household goods and effects to this point? A. No.

Q. Are your household goods and effects yet in your late residence in Silver Lake, Shawnee county, Kansas? A. No.

Q. Where are they? A. They are boxed and in a store-room on my premises in Silver Lake, Shawnee county, Kansas.

Q. Where were you on the 5th of March, 1878? A. In Manhattan, Kansas.

Q. Did you on that day vote at the election? A. Yes.

Q. Did you at that time of voting cast a vote for any one for the office of Representative of the Seventy-sixth Representative District of Kansas? A. Yes.

Q. For whom did you cast that vote? (Witness declines to answer; contestor insists on an answer; witness excused, for the reason that the witness has not been proven an illegal voter; excepted to by contestor.)

(*Cross-examined.*)

*Question:* After you obtained the contract at the College, when did you come up here? *Answer:* I think it was some time in May.

Q. You say that your family remained at Silver Lake until September 17? A. Yes.

Q. Did they occupy your residence there? A. They occupied the residence up to that time.

Q. Have you leased those premises since that time? A. They were leased prior to that date.



Q. You stated that your household goods were boxed and in a store-house on your premises; state why, when your family moved here permanently, your goods were not removed here also? A. I had no use for the goods, for the reason that I preferred to board, in preference to keeping house.

(*Re-direct Examination.*)

I have been boarding and lodging at the Adams House as a boarder.

HENRY BENNETT.

ALBERT ANDERSON, being sworn, says:

My name is Albert Anderson. I live in Manhattan, Riley county, Kansas. My age is twenty-seven. I came into the State of Kansas May 15, 1878. I came into Riley county same date. I came into Manhattan township October 8, 1878. On the 5th of November, 1878, I was in Manhattan, Riley county, Kansas. I voted on that day at the election in Manhattan, Kansas. My vote was received. I did at that time cast a vote for a Representative of the Seventy-sixth Representative District of Kansas. I voted for Mr. Spilman for that office. I have lived in Riley county, Kansas, ever since May 15, 1878.

(*Cross-examined.*)

Question: Did you read your ticket before you voted? Answer: Yes.

Q. Was the name of Spilman twice on that ticket? A. I believe it was. I don't recollect now.

Q. What were the initials of this man Spilman you voted for? A. I don't recollect.

Q. State whether you were positive when you cast your vote whether it was for Spilman as County Attorney, or for Spilman as Representative? (Objected to as irrelevant and incompetent.) A. I don't recollect.

(*Re-direct Examination.*)

Question: You state that you believe Mr. Spilman's name was twice on that ticket. Is that to the best of your recollection? Answer: Yes.

ALBERT ANDERSON.

ALLEN W. DEPUTY, being sworn, says:

My name is Allen W. Deputy. My age is twenty-six years past. I live in Riley county, Kansas. I came into the State of Kansas, June 26, 1866. I came into Riley county, August 3,

1878. Came into Manhattan township same time. I came from Pottawatomie county, Kansas. I lived in Green township, Pottawatomie county, on a farm known as the Albert Thompson farm. I have no family. I have relatives and friends in Pottawatomie county. I had a relative partly dependent on me for support. I have the same relative yet, but not dependent upon me for support. This relative is my mother. She is partly supporting herself, and my brother is supporting her in part.

*Question:* Did, or did not, your brother begin to support, or partly support her, when she left your home at the Thompson farm? *Answer:* He did.

Q. Prior to your coming into Riley county, Kansas, had you, or had you not, leased, in your own name, the Robert Thompson farm? (Objected to; witness declined to answer; contestor insists on an answer; witness excused from answering; to which contestor excepts.)

Q. While occupying the Robert Thompson farm, in Pottawatomie county, were you there as a resident of that county? A. A temporary resident.

Q. How long have you had a temporary residence in Pottawatomie county? (Objected to; witness declines to answer; contestor insists on an answer; witness excused from answering; excepted to by contestor.)

Q. After coming into Riley county, about August 3, did you at any time, or times, return to the Robert Thompson place? A. Not as a resident.

Q. Did you return? A. I have been on the Thompson place since then.

Q. Did you, or did you not, on Saturday evening, or about the close of the week, return to the Thompson place, and have your washing done there by or under the direction of your mother? A. I did not.

Q. Did you, or did you not, up to about the 10th day of October, 1878, maintain and assert possession of the Robert Thompson place? (Witness declines to answer; witness excused from answering; excepted to.) A. On the 5th of November, 1878, I was in Manhattan township. I voted at the election in Manhattan township on that day. I voted for a person for the office of Representative of the Seventy-sixth Representative District.

Q. For whom did you vote? (Witness declines to answer;

contestor insists on an answer; witness excused from answering; excepted to by contestor.)

Q. When coming into this county and township, for what purpose did you come? A. To become a resident of it.

Q. Have you yet taken up your residence? A. I have.

Q. Have you, or have you not, taken up your residence at the place where you intend to reside. (Witness refuses to answer; excused; excepted to.)

Q. When you came into this county and township, was it, or was it not, for the purpose of procuring a farm as a renter? (Witness declines to answer; excused; excepted to by contestor.)

Q. Since coming into this county and township, have you procured a farm as a renter? A. I had it procured before.

Q. When coming here, was it with the intention of moving on to that place and becoming a resident? (Witness declines to answer; contestor insists; witness excused; excepted to by contestor.)

Q. Have you, or have you not, moved on to that farm? (Witness declines to answer; excused; excepted to by contestor.)

Q. Did you, or did you not, at the time you came into this county and township, remove from Pottawatomie county into this county and township, your trunk containing your clothes and various wearing apparel, together with such household goods and effects as you needed at that time? (Objected to.) A. I did.

Q. Did you do that in August, when you first came into this county? A. I did.

ALLEN W. DEPUTY.

CHARLES F. KEABLES, being sworn, says:

(Contestee objects to the evidence of this witness for the reason that the name of the witness is not in the list of names of illegal voters served on the contestee; nor is the name of the witness shown by the poll-books of Manhattan precinct.) My name is Charles F. Keables. My age is thirty-nine. I live in Manhattan township, Riley county, State of Kansas. I am a married man. I have a wife. I was, on the 5th day of November, 1878, in Manhattan. I last came into the State of Kansas about the middle of May of this year—about the 15th or 17th of May. I came into this township the same day I came into the county. I came from the State of Colorado when I

came into this county and township. I brought my family with me from Colorado. I did, on the 5th day of November, 1878, vote at an election held on that day in Manhattan township. My vote was received. I voted for some one for the office of Representative of the Seventy-sixth Representative District of the State of Kansas. I lived in Colorado before coming into Kansas in May last. I came from Central City, Colorado. I lived there a few months. My wife was with me a part of the time. I lived in Colorado about two and one-half years. My wife was with me a part of the time, and a part of the time in Manhattan. She came back to me and lived with me there.

*Question:* When voting, for whom did you vote for the office of Representative of the Seventy-sixth Representative District? (Witness refuses to answer; answer insisted upon by contestor; witness excused from answering at present; excepted to.)

Q. When you went into Colorado, where did you start from? A. I went from Manhattan, Kansas.

Q. When you went there, did you have removed from Manhattan your household goods and effects. A. No.

Q. Did you at any time afterwards, during your stay in Colorado, have the whole or a part of your household goods and effects removed from Manhattan, Kansas? A. I had a part of them—to Denver, Colorado.

Q. How large a part? A. The greater part.

Q. For what purpose did you have them removed? A. Because I could take care of them better there than here.

Q. During your stay in Colorado, what were you doing? A. A part of the time I was painting carriages; a part of the time in Idaho Springs, repairing stages.

Q. The carriages you were painting, and the stages you were repairing—were they your own? A. No.

Q. How long were you engaged in repairing stages? A. About six months.

Q. How long were you engaged in painting carriages? A. About ten months.

Q. What were you doing in San Juan? A. Mining.

Q. How long were you in San Juan mining? A. About eight months.

Q. When painting carriages and repairing stages, where were



you? A. When painting carriages, I was in Denver; when repairing, I was in Idaho Springs. I had no shop at Idaho Springs. I had a room rented for storing carriages and painting, at Denver.

Q. Did you or did you not do custom work? A. I did, in painting carriages.

Q. What part of the city was your location, when painting carriages in Denver? A. When painting for myself, I was in West Denver; the rest of the time, in East Denver.

Q. Give the location of your place of business in East Denver? A. On Fifteenth street, between Wazee and Blake.

Q. While engaged in painting there, where was your wife? A. When I was painting for myself in West Denver, my wife was in Manhattan; my goods were there, at Manhattan. When in East Denver, I had charge of a paint shop for another man; my wife was with me there; my wife brought a part of the household goods from Manhattan.

Q. State what was done with that portion of your household goods you left at Manhattan. A. I had them sold.

Q. When your wife reached Denver at that time, did you then keep house and live with her? A. I boarded and lived with her.

Q. When did you sell the household goods you took there? A. I stored them a while, and then sold them.

Q. During your stay in Colorado, did you ever vote? A. Not that I remember of.

Q. Did you, during your stay in Denver, work poll-tax? A. No.

Q. When casting your vote, on the 5th day of November, 1878, in Manhattan, as mentioned before, for whom did you vote for the office of Representative of the Seventy-sixth District of Kansas? (Witness declines to answer; excused for the reason that it is not established by the evidence that he was an illegal voter; excepted to by contestor.)

Q. When you went to Colorado, what did you go there for? A. For business of the company of Keables & Bro.—for the purpose of disposing of some carriages.

Q. Was it your intention to dispose of the buggies, and return? A. It was.

Q. Was there, after leaving this place for Colorado, and before



your return, any serious change in the condition of your firm? (Witness declines to answer.)

Q. Was there, or was there not, after your leaving the State, a dissolution of your firm, either by mutual contract, or by operation of law? (Witness declines to answer; excepted to.)

Q. Did you, after going to Colorado, perform the purpose for which you went? (Witness declines to answer; contestor insists on an answer; witness excused; excepted to by contestor.)

Q. Was the selling of carriages and buggies for the firm of Keables Bros. the sole purpose for which you went to Colorado?

A. It was.

Q. Did you come back to this State after you got the buggies sold? A. I did not come immediately.

Q. Why did you stay there? A. I had no particular object in view.

Q. When you went away with these buggies, was it your intention to return to Manhattan as soon as you sold them? A. That depended on the time the business would take. I might stay and sell more.

Q. Did the firm send you more? (Witness declines to answer; contestor excepts.)

Q. State what induced you to remain in Colorado after selling the buggies? (Witness declines to answer; contestor insists on an answer; witness excused from answering; excepted to by contestor.)

Q. After disposing of the buggies, did you, or did you not, proceed to repairing stages and painting buggies? A. I went to repairing stages. I went into the San Juan country.

Q. Had you any fixed time for returning to Kansas? A. No.

Q. When casting your vote on the 5th of November, 1878, as mentioned before, for whom did you vote for Representative of the Seventy-sixth Representative District of Kansas? (Witness declines to answer; contestor insists; witness excused; excepted to by contestor.)

(*Cross-examined.*)

*Question:* When did you first come into the State of Kansas?

*Answer:* In 1870; I came to Manhattan, Riley county, at that time.

Q. Did you reside continuously in Manhattan up to your temporary residence in Colorado? A. Yes.

Q. When you left the State of Kansas to go to Colorado, was it for a temporary purpose, with the intention of returning, or did you intend to remain away? (Objected to.) A. For the purpose of returning.

Q. Did you, while absent, look upon and regard this State as your home? A. Yes.

Q. Did you, while absent, vote in any other State or Territory? A. No.

Q. When you left this State, was it for a temporary purpose, with the design of returning, or did you intend remaining away? A. With the design of returning.

Q. When you left, was it for a temporary purpose? A. Yes.

*(Re-direct Examination.)*

*Question:* Did you return when you performed that purpose, as you intended? *Answer:* Not immediately. I don't know how long exactly before I returned. It might have been a year. I think it was near a year; I am not certain.

Q. Then did you, or did you not, change your intention of returning upon completion of this temporary purpose. A. I always had an undefined plan of returning to Kansas. Had no well-defined plans out there.

Q. Then was, or was not, your intention a positive one. A. No.

Q. At what time did you have this intention, referred to in your last answer, and the question to which you replied? A. A week or two before I arrived at Manhattan.

Q. Did you, or did you not, have such an undefined intention immediately or shortly after the completion of this temporary purpose? A. No; it was just before I came back that I was in doubt whether I should remain in Colorado.

Q. Then did you, or did you not, at any time after going to Colorado, modify your intention of returning? A. I don't know that I did. They wanted me to stay there very bad, but I still clung to the idea of returning.

Q. During your stay in Colorado, and before going there, was your intention of returning to this State, upon the completion of the temporary purpose for which you went, always well-defined and positive? A. Yes.

Q. Was there not a change in your intention, when you had

executed this temporary purpose? (Objected to, for the reason that the question has already been asked and answered.) A. No.

Q. What induced you to remain in Colorado, this time of year, after the execution of the temporary purpose for which you went?

A. It was a question of finance.

Adjourned until to-morrow morning at 9 o'clock.

DECEMBER 12, 1878—9 o'clock A. M.

*(Re-direct Examination of Chas. F. Keables Resumed.)*

Question: When you went into the San Juan country, was it or was it not for the purpose of seeking a location, and locating there if you found it agreeable? Answer: No; I never intended to locate there.

Q. What was the purpose for which you went there? A. Partly from curiosity, and to post myself on the mines there.

Q. Did you not go to work in the mines? A. I did some work in the mines.

Q. Before returning into Kansas, did you or did you not go to Dodge City, Kansas, and to other points along the Atchison, Topeka & Santa Fé Railroad, seeking a location? A. No; I never was on the Atchison, Topeka & Santa Fé Railroad. I don't know where Dodge City is. I did not visit any other town in Southwestern Kansas for this purpose.

Q. When you returned to Kansas, did you, or did you not, in this place, in conversation with Charles Waring, state to him that you did not know what you would do, or where you would locate; that business in Colorado had become very dull, and that you believed you would leave there and locate somewhere else; and to his request and desire that you would return and relocate here, you replied that you had not yet fully determined; that you had been looking around, and had not yet quite made up your mind whether you would relocate or not? A. 1st, I don't think that I ever had ten words with Charles Waring since I returned to Kansas; 2d, I could not have told him that I had nothing to do where I was, because I had all I wanted to do—did not leave because I had nothing to do; 3d, Because I never liked Colorado well enough to settle in it, and for those reasons I never could have made those remarks to Charles Waring.

Q. Had you made those remarks, would you have known it? A. Yes.

Q. Can you say positively that you did not make those remarks to Charles Waring? A. I am positive that I made no remarks to him to that effect.

(*Re-examined.*)

*Question:* When you stated yesterday that you were living in Colorado for a time prior to your return to Kansas, what did you mean by the expression "living"? *Answer:* I took it this way: that wherever I got something to eat, I lived there.

CHARLES F. KEABLES.

D. B. WINTER, being sworn, says:

I live in Manhattan, Riley county, Kansas. On the 5th of November, 1878, a part of the day I was in Pottawatomie county, a part of the day at home in Manhattan. On that day I saw one Albert Anderson. He was with me almost all day. I was in the court room yesterday. I did not see the witness, Albert Anderson, examined. I saw Albert Anderson in the court room yesterday. He is the same person I referred to as having seen on the 5th of November. I saw the witness, Albert Anderson, vote on that day.

*Question:* Do you know from your own knowledge for whom Albert Anderson voted for the office of Representative of Seventy-sixth Representative District? (Objected to.) A. The name of R. B. Spilman was on the ticket for the office of Representative of Seventy-sixth Representative District.

Q. Was this the same ticket you saw him put in the ballot-box? A. It was.

(*Cross-examined.*)

*Question:* Did you read the ticket that Anderson voted? *Answer:* I did. Anderson and I were reading our tickets, and comparing them.

Q. Did you and Albert Anderson vote at the same time? A. Not exactly.

Q. How long a time between the time you voted and Mr. Anderson's vote? A. Probably it would not exceed ten or fifteen minutes.

Q. Did you or Albert Anderson vote first? A. Albert Anderson voted first.

Q. Where were you when you and Albert Anderson compared

your votes? A. We were between here and Dempsey's new building, in Pottawatomie county.

Q. Do you know positively, and of your own knowledge, that the ticket which Mr. Anderson compared with yours, and which you say you saw, was the identical ticket which he voted? A. I feel very positive that it was.

Q. How near were you to Albert Anderson when he delivered his ballot to the judges? A. I could not tell the exact number of feet. I was within a very few feet of him.

Q. Were there any persons between you and him when he voted? A. There may have been some one passing between us. There was quite a crowd there.

Q. After the comparison of Albert Anderson's vote with yours, what did he do with his ticket? A. Put it in his pocket.

Q. State whether on arrival here at the polls, there were not other tickets handed to Mr. Anderson by different parties. A. There were tickets hand to him, but he refused them.

Q. How long after your arrival at the polls was it (I mean you and Albert Anderson) before Albert Anderson voted. A. It was immediately on our arrival. D. B. WINTER.

LEWIS HAYDEN, being sworn, says:

I am living in Manhattan, Riley county, Kansas. I came into Kansas in 1870; into Riley county same time. I have been absent since coming into the State. I last returned to the State of Kansas, May 10, 1878. I came into this county at that time. I came from Monmouth, Illinois. I had been in Monmouth, Illinois, prior to May 10, 1878; a part of the time from the fall of 1875; a part of the time I was in Kansas. I left Manhattan, Kansas, to go to Monmouth, Illinois, about August, the fall of 1875. I went from Kansas to Monmouth. I went there to work at gunsmithing. I did not open a shop. I worked as a journeyman. I worked there in that capacity a part of the time since the fall of 1875. I did not do any other business while there. I had, before leaving Manhattan, Kansas, a gun-shop, and place of business here. I removed a part, and sold the rest here. I gave up my business here when I left, for the present time.

*Question:* Did you, at that time of leaving here, have any defi-



nite intention as to when you would resume your business here?

*Answer:* No.

Q. Then when you left here at that time, was it, or was it not, with any fixed and definite intention as to when you would return? A. No.

Q. Are you a married man? A. No.

Q. Did you, while in Monmouth, Illinois, look upon and regard that as your home? A. I did, only as to the time I was there.

Q. Did you consider that your place of residence whilst there? A. Yes.

Q. Did you, while there, at any time, vote at an election of any governmental character? A. Yes.

Q. Did you, while there, sit upon and act as a juror? A. No.

Q. State where you were on the 5th day of November, 1878. A. I was in Manhattan, Riley county, Kansas.

Q. Did you, on that day, in Manhattan, vote at the election then being held? A. Yes.

Q. Did you, at that time, when voting, cast a vote for anyone for the office of Representative of the Seventy-sixth Representative District of Kansas? A. Yes.

Q. For whom did you vote? (Witness declines to answer; witness excused for the present; excepted to.)

Q. When you returned to Kansas, May 10, 1878, did you then return from Monmouth, Illinois? A. Yes.

Q. Did you, previous to that time, look upon and regard Monmouth as your place of residence, while you were there? A. No.

Q. When did you determine upon removing to Kansas? A. Last March.

Q. When you voted in Monmouth, Illinois, at what election did you vote? A. At the Presidential election, 1876.

Q. Have you been in the State of Kansas prior to coming here, May 10, 1878, and after casting your vote in the Presidential election of 1876? A. Yes.

Q. When you came here between those times, what did you come here for? A. On account of my health.

Q. How long did you remain here for your health? A. About three months.

Q. Did you, on that trip, visit any other point for your health? A. No.

Q. After that trip, to where did you return? A. Monmouth, Illinois.

Q. Did you after that go on with your business as before making your trip? A. Yes.

Q. Did you so continue to work until May 10, 1878? A. No; I worked until February last.

Q. What did you do then? A. I came out to Kansas the last of February, 1878.

Q. Did you, or did you not, on that visit, in February, come for the purpose of seeking a location in Kansas? A. Yes.

Q. Did you visit Manhattan for that purpose at that time? A. Yes.

Q. Did you visit any other points in Kansas? A. Yes.

Q. Was Salina one of them? A. No.

Q. Did you go back to Monmouth after that—this February trip? A. Yes.

Q. And did you determine upon removing to Manhattan, Kansas? A. Yes.

Q. How long did you remain in Monmouth after this February trip? A. Long enough to get my things packed and shipped to Manhattan, Kansas.

Q. When did you finally locate in Manhattan? A. The 10th of May, when I got back.

Q. Did you then take up your residence in this place? A. Yes.

Q. When casting your vote for the office of the Representative of the Seventy-sixth Representative District, on the 5th of November, 1878, as mentioned before, for whom did you vote? (Witness declines to answer; witness excused; excepted to.)

(*Cross-examined.*)

*Question:* How long did you remain in Manhattan in February last, before returning to Monmouth? *Answer:* About ten days.

Q. Did you, during that time, determine to locate at Manhattan as a residence? A. Yes.

Q. Did you, during that time, buy any property or business in Manhattan, Kansas? (Objected to.) A. I made arrangements to buy on my return.

Q. To buy what? A. To buy the gun-shop and fixtures of Mr. King.

Q. Was that arrangement carried out? A. Yes.

Q. After making this arrangement to buy Mr. King's gun-shop, did you leave Manhattan with the intention of returning to Manhattan as your place of residence? A. Yes.

LEWIS HAYDEN.

ROBERT C. MALLON, being sworn, says:

I live at Ogden, Riley county, Kansas. I was in the court room on Tuesday of this week. I saw a witness being examined by the name of James Boller. I am acquainted with that James Boller. That James Boller lives at Ogden. I have known him since 1862. He is the son of my sister, Jane Boller. His father was Felix Boller. I know about the age of James Boller. His father told me he was three years old past in 1862. This was in the spring of 1862. His father is dead.

(Cross-examined.)

*Question:* Where is this boy's mother? *Answer:* In Davis county, Kansas, on the Missouri, Kansas & Texas Railroad; her husband's name is Dennis Breen.

Q. You say that you have this information from Felix Boller, the father of James Boller, and this was told to you in a conversation held with him in the spring of 1862; and you say that at that time he told you that he was three past? A. Yes.

Q. Was this conversation, spoken of between you and Felix Boller, all the means you have of knowing the age of James Boller? A. I have some other means of knowing his age.

Q. Do you pretend to recollect the conversation had with Felix Boller, in the spring of 1862, with reference to this boy's age? A. I remember of asking him how old his two children were: he had two children. He said one was two past, and the other three past.

Q. Was this the older or younger of the two children? A. James was the older of the two.

Q. Did you see this James Boller on the 5th day of November, 1878? A. Yes; at Ogden. I saw him several times during the day. I saw him at the polls. I did not see him vote. I did not furnish him with a ticket.

Q. Was you the means, directly or indirectly, by solicitation or otherwise, instrumental with furnishing James Boller a ballot?

A. No. If I had seen him offer his vote, I should have challenged it.

Q. Did James Boller, since the election held November 5, 1878, tell you that he did not know whether he had voted for Spilman or not? A. No. I heard him tell another party, since the election, that he had voted for Spilman.

Q. In any conversation that you have had with him since the election, or that you have overheard, did he state who furnished him with a ticket? A. I understood him to say Thomas Dixon furnished him the ticket. I don't remember of hearing him say that he voted the ticket Dixon furnished him.

Q. Where was the last conversation had that you overheard?

A. At Ogden; in Mr. Myers's hotel, or near it.

*(Re-direct Examination.)*

Question: State where Felix Boller lived before he died. Answer: In Ogden.

Q. Did he die in Ogden? A. Yes.

Q. Did you ever know any other Felix Boller? A. No.

R. C. MALLON.

EMMA WHALEN, being sworn, says:

My name is Emma Whalen. I live in Ogden, Riley county, Kansas. I know James Boller. He lives in Ogden, Riley county, Kansas. He is the son of Felix Boller. His mother was Jane Boller. Felix Boller lived in Ogden, Kansas. He is dead. He died in Ogden. James Boller's age I only know from the age of my oldest daughter. She was born January 17, 1859. James Boller was born two weeks from the day she was born—two weeks after. I was not present at the birth-place of James Boller. I was there the next day, or the day after. I saw the child.

*(Cross-examined.)*

James Boller was born in Adams county, Pennsylvania. I have no other means of knowing the date of birth of James Boller, except by comparison. I can't write. There was a record of the birth of my daughter made by my husband in the bible. I have that record now. I examined that record to-day. I can't read. The record was read to me. I looked over it my-

self with others. I could not tell by an examination by myself. I can't read.

Q. When was this entry of the date of the birth of your daughter made? A. I could not tell.

Q. Was it made by your former, or present husband? A. By my first husband.

Q. You do not know how long after the birth of your child this record was made. A. No.

Q. James Boller testified here last Tuesday that you had a record containing the date of his birth—is that true? A. No; I have no record of his birth.

Q. Where was your daughter born? A. Adams county, Pennsylvania.

Q. Did your family and that of Felix Boller come at the same time? A. No—he came first.

Q. When did he come to Kansas? A. About fourteen years ago.

Q. How old was James Boller when his father came to Kansas? A. I can't tell.

Q. Your recollection of those dates is not very good? A. I don't recollect them very well.

Q. Would you have known to-day the age of James Boller if the record of the birth of your daughter had not been read to you? A. I would have remembered it without the record.

Q. Well, now, if you would have remembered the date of birth of James Boller without the record, now state when he was born? A. The last day of February, 1859.

Q. How old is your daughter? A. She will be twenty-one the 17th of January next, I suppose.

Q. Have you had any conversation with R. C. Mallon with reference to the age of James Boller? A. He asked me if I knew how old James was.

Q. In this conversation with Robert Mallon, did you tell him how old James Boller was? A. I told him that there was but about two weeks difference between the age of my daughter and James Boller.

*(Re-direct Examination.)*

*Question:* When were you married to your first husband?

*Answer:* April 20, 1858. EMMA WHALEN (*her mark*).

Witness: R. J. HARPER.



C. A. BOYDEN, being sworn, says:

My name is Charles A. Boyden. I live in Manhattan, Riley county, Kansas. On the 5th day of November, 1878, I was in Manhattan, Riley county. I have been in Kansas a year the 31st of October last. I resided at Rock Creek, Pottawatomie county, until I came to Manhattan. I came into Riley county, Kansas, September, 12, 1878. I am a married man. I have a wife and one child.

*Question:* On the 5th day of November, 1878, where were your wife and child. *Answer:* In Manhattan, Kansas. I did not bring them into the county when I came. I brought them, I think, the 11th of October. I came into this county and township to work on the College building. That was not my sole intention when I came. It was not my main intention. My main intention was to make it my home here. That intention did depend on some contingency. That contingency was, that I could make my living here. That contingency was not entirely the possibility of getting work at my trade as a carpenter, but I intended to leave my family here. I formed the intention of leaving my family here about the 8th of September, and brought my family here the 11th of October. I boarded with Mr. Whaley until my family came. I rented a house before my family came, and when they came I went to housekeeping. I voted at the election in Manhattan, Kansas, on the 5th day of November, 1878. I did not, when I first came into Manhattan from Pottawatomie county, remove my household goods and effects. I moved a part of my household goods to Manhattan on the 11th of October, and the balance since. I rented property in Manhattan, the rent to commence October 13. I had rented it about two weeks before. They did not move out so that I could get possession. I took possession October 13, with my wife and child.

Q. When voting on the 5th day of November, 1878, as mentioned before, did you cast a vote for any one for the office of Representative of the Seventy-sixth Representative District of the State of Kansas? A. I did.

Q. For whom did you cast that vote? (Witness declines to answer; excused; excepted to.)

(Cross-examined.)

*Question:* You say you formed the intention of coming to Manhattan to reside on or about September 8, 1878; from that

time to about October 13, 1878, was your wife occupying a residence in Pottawatomie county, or staying with some relatives?

*Answer:* She was staying at her father's, in Pottawatomie county, temporarily.

Q. You may state the reason why you did not bring your family with you, when you decided to make Manhattan your home? A. Because I could not find a house to rent to move them into.

Q. As soon as you were able to procure a house at Manhattan, did you move your family here immediately? A. Yes.

CHARLES A. BOYDEN.

Adjourned until to-morrow at 9 o'clock A. M.

DECEMBER 13, 1878—9 o'clock A. M.

LOVELL TILFORD, being sworn, says:

(Contestee objects to the evidence of this witness, for the reason that the poll-books of Manhattan precinct do not show that this witness voted at the election on November 5, 1878, in said precinct, and the list of illegal voters served by the contestor on the contestee does not contain the name of this witness.) My name is Lovell Tilford. I live in Manhattan, Riley county, Kansas. On the 5th day of November, 1878, I was in Manhattan. I came into Kansas three years ago the 15th of last July. I cannot recollect the time I came into Riley county. It was in the fall of the year. I came into the township at the same time I came into the county. I came into this township and county with a man by the name of Rose. I came the same day he did. This man Rose was engaged in renovating feather beds. I came here in his employ; he hired me; but I came here to live. I had been working for him about thirteen months—traveled some with him about Leavenworth, Kansas City and Topeka. I remained in his employ after coming here about two weeks. I was working for him by the day. I quit working for him because I wanted to settle down at one place. I formed the determination of settling down about two months before I came here. I did not stop at the same place when I came here that Rose did. I stopped at Oliver Simms's on Monday; stayed there until Tuesday noon, and then went to Mr. Disbrow's. I stopped at Mr. Disbrow's three or four weeks; don't remember which. I don't know whether I voted or not. I tell you the reason why:

I went to vote; but don't know whether they took my name or not. No one objected to my voting. I had a ticket. I handed it to one of the judges. I told them my name, "Lovell Tilford." I did not tell them how my name was spelled. The judges did not call out my name. If they did, I did not hear it. The judges took the ticket. On the ticket I handed to the judges, I don't know whether or not there was the name of any one for the office of Representative of Seventy-sixth District. The ticket was handed me folded up. I never read it; never looked at it.

*Question:* Who gave you the ticket? *Answer:* I could not tell you a bit more than the man risen from the dead, for I didn't know the man.

Q. Do you know what was on the ticket? A. No.

Q. Will you describe the man who gave you that ticket? A. I can't. It was a man with a beard.

Q. What kind of a beard? A. I don't know.

Q. Do you see the man in this room? A. No. I would know him if I did.

Q. State whether or not the gentleman that hauled you up to the polls gave you the ticket. A. No. No man ever hauled me to the polls in my life, or took me there under the influence of intoxicating liquors.

Q. What race do you belong to? A. African race.

LOVELL TILFORD (*his mark*).

Witness: R. J. HARPER.

G. W. STINSON, being sworn, says:

My name is G. W. Stinson. I live in Manhattan, Riley county, Kansas. I saw the last witness, Lovell Tilford, examined a part of the time. I was not here all the time. I recognize him as a party with whom I had a conversation respecting the election held November 5, 1878. He is the same party with whom I had that conversation. That conversation was on the 1st day of December, I believe, near the post office in Manhattan, Kansas.

*Question:* Did this man, Lovell Tilford, in this conversation referred to, tell you for whom he voted for the office of Representative of the Seventy-sixth Representative District of Kansas, on the 5th of November, 1878? *Answer:* (Objected to as incompetent.) He did.

Q. For whom did he say he voted for that office? (Objected to: 1st, as incompetent; 2d, for the reason that they are seeking to impeach their own witness.) A. He told me that he voted for Captain Spilman for Representative. Seventy-sixth District was not mentioned.

G. W. STINSON.

GEO. B. HINES, being sworn, says:

My name is George B. Hines. I live in Manhattan, Riley county, Kansas. I was in the room when Lovell Tilford was being examined, a short time—the last of it. I recognize him as a person I saw vote on the 5th of November. I saw him vote on that day at the polls in Manhattan, Kansas (November 5, 1878). I saw him go to put his vote in; he handed it in at the window; no objections were raised, and he (Tilford) came away again. I am acquainted with Charles Johnson. I did not see him examined here. I refer to Charles Johnson, a Swede, who has been working for Mr. Smyth, on Blue bottom. He was working there the day of election. I don't know when he commenced working there. I had a conversation with this man, Charles Johnson, regarding his vote. It was November 8th, on the street, at Mr. Beverly's corner. In that conversation he told me for whom he voted for Representative. He did not say what district—nothing said about the district. I asked him for whom he voted. I asked him for whom he voted for Representative. He said he voted for Capt. Spilman. I had another conversation about this matter, in the presence of some one else—in the presence of Louis Asher. In that conversation he stated for whom he voted for Representative. I asked him the same question in his (Asher's) presence, and his answer was the same. He said he voted for Capt. Spilman.

(Cross-examined.)

Question: In this first conversation with Johnson, in front of Beverly's store, in Manhattan, Kansas, did you go to him there for the purpose of ascertaining for whom he voted? Answer: I met him on the street, and was talking with him about the election. I asked him if he voted. I did not go to him at all there.

Q. Did you engage Charles Johnson in this conversation, in which he stated that he voted for Capt. Spilman, for the purpose of ascertaining for whom he voted for Representative? A. Partially, not entirely.



Q. How long, after this conversation at Beverly's corner, was it, that he made this other statement in the presence of yourself and Louis Asher? A. Perhaps about a quarter of an hour.

Q. During this quarter of an hour that you mentioned, was Mr. Charles Johnson in your company all the time? A. Yes.

Q. Where was this second conversation held? A. At Louis Asher's store.

Q. Did you go direct from Beverly's corner to Louis Asher's store? A. Yes.

Q. Did you ask him, Charles Johnson, to go with you to Louis Asher's store? A. Yes.

Q. Was your object, in requesting him, Charles Johnson, to go with you to the store of Louis Asher, that of having him repeat his statement in the presence of a witness, or the presence of some other person except yourself? A. No, it was not.

Q. State what was your object in going with him there, then. A. I went in there to get out of the cold—rather chilly on the street—and to talk matters over a little.

Q. What matters? A. We talked about how long the job was going to last at Mr. Smyth's; then we talked about how he came to vote. Mr. Smyth sent for him, and told him he wanted him to vote. I don't remember anything in particular about the conversation—in talking about the election—how he came to vote.

Q. When you first asked Charles Johnson, in this first conversation had with him, did he state that he voted for Capt. Spilman for Representative, without hesitation, and directly in answer to the question put by you to him, "Who did you vote for?" for Representative? A. I asked him if he voted for Capt. Spilman. He said "Yes," without any hesitation whatever.

Q. In this conversation in front of Beverly's store, was the question you put to him this, "Did you vote for Capt. Spilman?" A. I asked him if he voted for Capt. Spilman for Representative.

Q. Did you vote at the polls of Manhattan on the 5th of November, 1878? A. Yes.

Q. State to what party in politics you belonged or were identified with at the election on November 5, 1878. (Witness declines to answer.)

Q. Did you cast a vote for Representative of Seventy-sixth



Representative District of Kansas, in Manhattan, November 5, 1878, at the election there being held? A. Yes.

Q. At that election did you cast your vote for the office of Representative of Seventy-sixth Representative District of Kansas, at Manhattan, on the 5th of November, 1878, for R. B. Spilman? (Witness declines to answer.) G. B. HINES.

ALICE E. DISBROW, being sworn, says:

My name is Alice E. Disbrow. I live in Manhattan, Kansas—Riley county. I have lived here about eight months. I and my husband were, in the latter part of September and early part of October, 1878, in Manhattan, Kansas, keeping boarders.

*Question:* State whether or not, in the early part of October, 1878, a certain party by the name of Rose—being a man then engaged in the business of renovating feathers—came to your restaurant to board? (Objected to.) *Answer:* There has been a man by the name of Rose boarding at our restaurant.

Q. State, if you know, when he came to board? (Objected to; witness declines to answer.)

Q. State if you know a negro by the name of Lovell Tilford? A. I have a negro on my books, "Henry Tilford;" none by the name of Lovell.

Q. State, if you know, where this negro is now? A. At the Adams House, I think.

Q. Since that negro came to your house, have you not known him by another name? A. I never knew any other name but "Henry Tilford." I only have it as he gave it to me, on the book.

Q. You may state whether or not this negro, who gave his name to you as "Henry Tilford," is not the same who was subpoenaed before this court to testify in this election contest? (Objected to.) A. I think it is; I could not tell without first seeing him.

Q. State whether or not this same Tilford, now working at the Adams House, did not lately have a conversation with you, in which he informed you that he was subpoenaed before the court in this election contest, and requested you not to divulge the date of his coming to your house to board? (Objected to.) A. He came to our house and told me that he was afraid there was some trouble about his vote, and wanted to know the date of his com-

ing to our house. I told him the date; he asked me if there was not some mistake. I told him no; there could be none, from the fact that I had written it down on the evening of his coming. He is the same man that came to my house under the name of Henry Tilford.

Q. Have you the book in which you put down his name, at the time he came to your house, and date of his coming? A. I have.

Q. Please refer to it, and state what date that was. A. Tuesday, October 8, 1878, marked "for supper."

Q. Was this colored man, who came there, then in the employ and working for the man Rose, before referred to, in renovating feather beds? A. He said he was.

Q. Don't you know when he was working for Mr. Rose? A. I didn't see him working for Mr. Rose. From their conversations, I supposed he was.

Adjourned for dinner.

*(Alice Disbrow's Examination Resumed.)*

*Question:* Look at that man standing by the stove (pointing to witness, Lovell Tilford, who had testified), and state whether or not he is the same man that came to your house, on the 8th day of October, 1878, and boarded there under the name of "Henry Tilford?" *Answer:* He is the same man.

Q. Is he the same man referred to in your memorandum, to which you referred before dinner? A. He is the same.

Q. Is he the same man whom you say you think was in the employ of Mr. Rose, before mentioned? A. He is the same.

ALICE DISBROW.

CHAS. WARING, being sworn, says:

My name is Chas. Waring. I reside in Manhattan, Riley county, Kansas. I have lived here over twenty years. I am acquainted with Chas. F. Keables. In the month of May, 1878, I recollect of having a conversation with Chas. F. Keables. That conversation was about his having been down in Southern Kansas looking for a location for business.

*Question:* Was there anything said in this conversation by Mr. Keables with respect to his intention of residence in this place? *Answer:* There was.

Q. Will you please detail that conversation? (Objected to, for the reason that they are seeking to impeach their own witness.) A. He told me certain parties had urged him to come back to Manhattan and go into business again, and that he had not fully made up his mind whether he would or would not; that he had been in Southern Kansas looking for a location, and might look still further. I urged him to locate here.

Q. When you urged him to locate here, did he say or intimate to you that he had already determined upon doing so? A. No; he had not made up his mind. It was a matter of uncertainty whether he would or would not.

Q. Did he say that he had not made up his mind? A. That was the remark he made—that he hadn't made up his mind.

Q. Did he or did he not say anything in that conversation as to the probability or his determination of remaining in Colorado? A. There was nothing said about that.

CHAS. WARING.

E. B. SMYTH, being sworn, says:

My name is Edward B. Smyth. I live on Blue bottom, Manhattan township, Riley county, Kansas. On the 5th of November, 1878, I was in Blue bottom until about 3 o'clock P. M. Then I went to Manhattan. I know one Charles Johnson, who worked for me. He was working for me on the 5th of November, 1878. I did not have any conversation in particular with said Charles Johnson in regard to voting, only I told him that he had better come over and vote.

*Question:* Did he say anything to you touching his qualifications as a voter? *Answer:* I think he asked something about how long he ought to be here to vote.

Q. Did you tell him? A. I told him he would have to be here some ten days, in the precinct.

Q. Did he come and vote? A. Yes, he voted.

Q. Did you furnish him the ticket he voted? (Objected to; witness declines to answer; witness excused for the present; excepted to.)

Q. Do you know what kind of a ticket he voted? (Objected to; witness refused to answer; witness excused; excepted to.)

Q. Do you know whose name was on the ticket Charles Johnson voted for the office of Representative of the Seventy-sixth

Representative District? (Witness refuses to answer; contestor insists; witness excused; excepted to.)

Q. Did you tell Mr. Johnson, when you gave him a ticket, what kind of a ticket it was? (Witness declines to answer.)

Q. Was not the name of R. B. Spilman on the ticket Johnson voted, for the office of Representative of the Seventy-sixth Representative District of Kansas? (Witness refuses to answer; contestor insists; witness excused; excepted to.)

EDWARD B. SMYTH.

A. BEACHAM, being sworn, says:

(Contestee objects to this witness testifying, for the reason that his name is not shown to be upon the poll-books of Manhattan township, and for the further reason that his name is not among the names of alleged illegal voters served upon the contestee by the contestor.)

My name is A. Beacham. I lived in Manhattan township, Riley county, Kansas, A. D. 1878. On the 5th day of November, 1878, I was in Riley county, Manhattan township, Kansas. I came into the State of Kansas in 1875. I came into Riley county in 1877—about thirteen months ago. I came into Riley county, I think, the latter part of November, 1877. I came from Marshall county, Kansas, into this county in November, 1877. I had resided in Marshall county up to the time I came to Manhattan. I lived in Irving, Marshall county. I am a single man. My parents live in Irving. Since November, 1877, when I came into this township and county, I have remained here ever since. I came into this township and county, in November, 1877, for several purposes. The main purpose was to hoe my own row. I have been trying to hoe my row ever since.

*Question:* Was, or was not, the purpose for which you came here in November 1877, to attend the Agricultural College at this place? (Objected to as being incompetent, for the reason that the intention of the witness would not be shown by answering the question; witness declines to answer; witness excused, for the reason that it is a privilege question; excepted to by contestor. Contestor requested the language of the witness in refusing to answer. "I decline to answer the question"—which is so inserted.)

Q. Since coming into this county and township, Mr. Beacham,

have you or have you not been pursuing a course of study at the Agricultural College continuously during its sessions, as a student? A. During the time the college has been in session, I have.

Q. Were you on the 5th of November, 1878, a student at the college? A. I was.

Q. Had you determined, on or before the 5th day of November, 1878, what you would do, or where you would go upon completion of the course of study you had in mind? A. I had not.

Q. Have you been boarding since coming to this place? A. A part of the time.

Q. Did you, on the 5th day of November, 1878, at Manhattan, Kansas, vote at the election? A. I did, sir; vote.

Q. Was your vote received? A. It was.

Q. When casting your vote, as before mentioned, did you vote for any one for the office of Representative of the Seventy-sixth Representative District of Kansas? A. I did.

Q. For whom did you vote for the office of the Seventy-sixth Representative District of Kansas? (Witness declines to answer the question; contestor insists; witness excused; excepted to by contestor.)

A. BEACHAM.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds to the construction of a railroad, and has concurred in House amendments to Senate bill No. 17, An act making appropriation to furnish the Topeka Insane Asylum, etc.

HENRY BRANDLEY, *Secretary*.

#### SPECIAL MESSAGE FROM THE GOVERNOR.

The following special message from the Governor was received, and read:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that House bill No. 257, being "An act making an appropriation to Henry King for the payment of postage stamps," and House bill No. 21, being "An act making an appropriation for the purpose of paying the fees of the Register and Receiver of



the United States land offices for the final location of land granted to the State of Kansas by the United States as indemnity school land," has this day been approved.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, Feb. 17, 1879.

COMMUNICATION FROM STATE OFFICER.

The following communication was received from the Attorney General, and read:

OFFICE OF ATTORNEY GENERAL, }  
TOPEKA, KANSAS, Feb. 24, 1879. }

*To the House of Representatives of the State of Kansas:*

I have received from your honorable body a communication, as follows:

*Whereas*, A written contract was entered into, October 3d, A. D. 1877, between the State of Kansas and S. J. Crawford, to prosecute claims of the State of Kansas against the United States, and agreed in that contract, as the act under which the contract was made permitted, to give said agent ten per cent. of all lands and money which he might obtain. Among other lands said agent has or is about to obtain lands for the State, which, when obtained, will belong to the permanent school fund of the State, and as there is a doubt as to the power to convey the ten per centum of said lands so pledged as a fee under said contract: therefor, be it

*Resolved*, That the Attorney General be requested to give his opinion on the question, Can the State of Kansas give a valid title to the school lands acquired in pursuance of the contract above referred to—ten per cent. of the land as fee—and without placing the equivalent in value out of the general fund of the State into the permanent school fund?

In responding, I assume that whatever may be the title of the State to the lands referred to in the foregoing preamble and resolution, it is founded and exists as fully in the acts of Congress making the grant originally, as if no controversy about their legal status had ever arisen between the United States and the State of Kansas, and that whatever principles of law and rules of interpretation and construction apply to other lands in the grant, about which there was no controversy, must be held to apply to these lands.

Section 34 of the act organizing the Territory of Kansas, set apart sections 16 and 36 of every township which was to be organized in the Territory, and the State which was to follow, for the purpose of "being applied to schools."

Section 1 of the ordinance to the constitution imposes the first limitation on this general school purpose, by declaring that these lands are granted "for the exclusive use of common schools."

Section 3 of article 6 of the constitution imposes on the grant four distinct limitations looking to the preservation of the fund, and accomplishing the purpose of the grant by declaring that "the proceeds of all lands that have been or may be granted by the United States to the State for the support of schools, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished."

Section 4 of the same article imposes another limitation looking to the preservation of the fund, by declaring that "the income of the State school funds shall be disbursed annually," thus still further negating the idea that the fund itself can be diminished.

Section 5 of the same article imposes another limitation, clearly showing that the general power to sell is implied in the first clause of section 3, and specifies the mode in which it may be sold, by declaring that "the school lands shall not be sold, unless such sale shall be authorized by a vote of the people at a general election."

Finally, section six imposes a limitation no less important, by declaring that "no religious sect or sects shall ever control any part of the common school fund . . . of the State;" thus adding another and final block to the iron wall, which the framers of the constitution intended to erect as an enduring safe-guard to the "proceeds" of this munificent grant. These restrictions, proposed by the authors of our constitution and accepted by Congress, became as much a part of the original grant as if they had been fully set out in the said section 34 of the Territorial act. Thus, by the mutual action of the United States and the State itself, it (the State) became a trustee, as well as grantee, and must administer this trust according to the terms of the grant, constantly subject to the rule of a strict construction of its powers and duties as such trustee. The State having accepted the grant, with these self-imposed restrictions, what did it in law undertake and agree to do? Did it undertake to administer this trust free from all burdens? I hold that it did. A reasonable and fair construction of the language of the constitution can lead to no other conclusion. When the term, "proceeds of all lands," . . .

"shall be a perpetual school fund," "which shall not be diminished," were used, we must presume that these "words have been employed in their natural and ordinary meaning." (Cooley's Constitutional Limitations, 58.) The words of Chief Justice Marshall apply here with great force: "The framers of the constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have understood what they meant." By the word "proceeds," they intended to indicate a legal process, which would result in something called "proceeds," and by using the term "all lands," they meant the "proceeds," of every particle of land granted or to be granted — indicating by this term not only a power to produce "proceeds," but "an implication against everything contrary to it, or which would frustrate or disappoint the purpose of that provision." Careful analysis of this term "proceeds," and the roots of which it is composed, will clearly show the wonderful aptness of its use here, and the great powers and ideas wrapped up in so simple a word.

By its use, it was intended to give the power not only to sell or transmute real into personal estate, but to give the power to dispose of all this land in only those modes which would result in "proceeds," out of which to constitute a perpetual school fund, and it was just as clearly intended to exclude every mode of disposing of it, which would tend to frustrate or disappoint this purpose. Where the constitution has given a general power to do a certain thing, and then defines one or more modes in which that power may be executed in furtherance of the specific purpose, the tribunal vested with the power is absolutely bound to exercise the power in the specific mode or modes expressed or implied. Where the specific mode is expressed, it "invalidates that which otherwise might have been implied by intendment of law." The general power to dispose of these lands, in ways which will produce "proceeds" out of which to constitute the perpetual school fund, is limited to certain modes —

1. The lands may be rented to produce "proceeds."
2. They may be taxed to produce "proceeds."
3. They may be sold as provided in section 5, article 6 of the constitution, to produce "proceeds."

If the State were to convey any portion of the lands to S. J. Crawford, as provided in the contract referred to, could it be said

that the lands so conveyed had been subjected to the specific legal process clearly intended in the constitution? Could it be said that the "proceeds" of said land had gone into the perpetual school fund? I think not. The general rule of law that every trust bears its own burdens of administration, can have no application to the administration of this trust, if I am correct in saying that the State agreed to administer it free from all burdens. But if this were not true, neither the land in question nor its proceeds could be used to pay the claim of Mr. Crawford, for the reason, in addition to those already given, that the services for which he claims and is entitled to compensation were rendered in asserting the right to the trust, and not in its administration. I am sure that the general rule, that every trust bears its own burden of administration, has no application to the administration of this trust, and every act of the Legislature heretofore enacted, by which any portion of the proceeds of school lands are applied as compensation for services rendered about the protection and sale of these lands in the different counties, are in conflict with the constitution, and void; but whether they would be so held by the courts on account of their long legislative sanction, is not for me to say. Believing that I have correctly stated the legal status of these lands, and that any other construction would place this grant upon the iron bed of Procrustes, to be measured by any rule that might be required by caprice or fancy, I am compelled to say that section 4, chapter 176, Laws of 1871, is in conflict with the constitution, and therefore void, and that "the State of Kansas cannot give a valid title to the school lands acquired in pursuance of the contract above referred to," and that the State agent, for the services therein mentioned, must be paid out of the general fund.

Very respectfully,

WILLARD DAVIS,  
*Attorney General.*

On motion, was ordered printed and referred to Committee on Ways and Means.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

The following resolutions were presented by Mr. Hartshorne:

*Resolved*, That in the opinion of this House, the revision of the laws should be proceeded with by the present Legislature, at



its present session, as far and with as much rapidity as time and a prudent consideration of the subject will permit.

*Resolved*, That the Commissioners heretofore appointed by authority of law to revise the laws of the State of Kansas, have by reason of their failure to perform the duties imposed by law, and undertaken by the respective members of said Commission, justly subjected themselves to the censure of this House, and of the people of the State of Kansas.

*Resolved*, That the self respect of the members of this House, and the dignity of the State of Kansas, demand that said Commissioners should speedily and humbly surrender their commissions, and return all moneys drawn for services as such Commissioners to the proper departments of the government of the State of Kansas.

Laid over under the rules.

Mr. Wait, of Lincoln, moved that the rules be suspended, and that House bill No. 345, An act to apportion the State for Senators and Representatives, be made the special order for to-morrow at 10:30 o'clock A. M. The motion did not prevail.

Mr. Godfrey offered House concurrent resolution No. 38, relating to claims for losses on account of Indian depredations. Laid over under the rules.

Mr. Price offered House concurrent resolution No. 39, granting permission to the Masonic grand bodies and to the Grand Lodge and the Grand Encampment of Odd Fellows of the State, to hold their annual or regular sessions in the Senate Chamber or in the hall of the House of Representatives. Laid over under the rules.

By consent, Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 196, An act to authorize and empower the county of Leavenworth, and cities of the first class, to take up and re-fund their railroad bonded indebtedness, and to repeal chapters 88 and 123 of the Session Laws of 1877, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.



On motion of Mr. Martin, of Labette, House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, was, under a suspension of the rules, placed at the head of the calendar under general orders.

Mr. Sallee moved that the rules be suspended, and that substitute for House bill No. 172, An act to enable municipal corporations, the boards of education of any city, and school districts, to re-fund their bonded indebtedness, be placed at the head of the calendar under general orders. The motion did not prevail.

### THIRD READING OF BILLS.

The following bill came up for third reading:

House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salary of county treasurers," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 96; constitutional majority, 65. Yeas, 67; nays, 29; absent or not voting, 33.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Baker, Barber, Bid-  
dle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Bull, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Eastland, Ellison, Ewing, Faulkner, Games, Gillespie, Gilmore, Greever, Hall, Hamilton of Norton, Harts-  
horne, Hankins, Helmick, Henderson, Hodge, Hutchison, James of Shawnee, Kollock, Leonard, Martin of Labette, Martin of Miami, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rath, Rice, Rood, Scott, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Armstrong, Bower, Brown, Butts, Danhaur, Donahue, Eckles, Farris, Hamilton of Marshall, Hossack, Humes, Kelley, Kennedy, Legate, Loy, Majors, Manning, Price, Riggs, Robb, Sallee, Seaton, Shaw, Smith of Marshall, Spilman, Tallman, Tucker, Watson, and Wright.

Gentlemen absent or not voting were: Messrs. Alexander,

Anderson of Ellsworth, Ballard, Barrackman, Beaty, Berry, Bevins, Briggs, Brinkman, Bruner, Callen, Congdon, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greiffenstein, Hewins, Huffaker, James of Wyandotte, Keller, Lawson, Martin of Kingman, McClintick, McCrumb, Miller, Randolph, Raybell, Richards, Selover, White, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 26, An act to repeal chapter 66, Laws of 1872, relating to the sale of property without appraisement, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 59; nays, 46; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barber, Berry, Bissell, Blanchard, Bower, Breyfogle, Bull, Callen, Calvin, Clapp, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Ellison, Games, Gillespie, Godfrey, Hall, Hamilton of Marshall, Hankins, Huffaker, Humes, Hutchison, Lawson, Leonard, Majors, Martin of Labette, Martin of Miami, McCrumb, McKay, Moore, Morgan, Myers, Prunty, Rath, Raybell, Rice, Riggs, Scott, Shaw, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Beaty, Biddle, Blackman, Boggs, Bronson, Brown, Butts, Clark, Corbin, Donahue, Eggers, Farris, Faulkner, Fisler, Gilmore, Greever, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, James of Shawnee, Kelley, Kennedy, Kollock, Loy, Manning, McMillen, Miller, Price, Robb, Rood, Sallee, Seaton, Smith of Bourbon, Smith of Marshall, Stitt, Towle, Tucker, Willey, Wilson of Nemaha, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Barrackman, Bevins, Bishop, Briggs, Brinkman, Bruner, Congdon, Ewing, Gable (Frank M.), Gable (Thos.

P.), Greiffenstein, James of Wyandotte, Keller, Legate, Martin of Kingman, McClintick, Parsons, Randolph, Richards, Selover, White, and Wilson of Jackson.

Pending the announcement of the result, Mr. Biddle moved a call of the House.

The roll was called, and the following absentees noted: Messrs. Anderson of Cherokee, Anderson of Shawnee, Berry, Barrackman, Boggs, Brinkman, Brown, Callen, Clapp, Eastland, Greiffenstein, Leonard, Randolph, Richards, Spilman, and Selover.

The Sergeant-at-Arms was instructed to bring in the absentees. The Sergeant-at-Arms reported Messrs. Anderson of Shawnee, Boggs, Brown, and Leonard.

On motion of Mr. Biddle, they were released from arrest.

On motion of Mr. Clark, further proceedings under the call were dispensed with.

The call of the roll on the vote on the bill was resumed, and the result was declared as follows: Yeas, 59; nays, 46; absent or not voting, 24.

The bill, not receiving a constitutional majority, did not pass.

By consent, Mr. James, of Wyandotte, was granted leave of absence for to-day.

Mr. Biddle moved a reconsideration of the vote by which House bill No. 26 was lost.

Mr. Clapp moved to lay the motion on the table.

The motion to lay on the table did not prevail.

By consent, the motion to reconsider was laid over.

Mr. Robb moved that the House do now adjourn. The motion did not prevail.

Substitute for House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justices' courts against garnishees," chapter 163, Laws of 1872, providing the manner of service in certain cases, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65; yeas, 90; nays, 4; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Beaty, Biddle, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Brown, Bull, Callen, Calvin, Clapp, Clark, Clogston, Cool,

Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Donahue, Greever, Hamilton of Marshall, and Manning.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Ballard, Barber, Barrackman, Berry, Bevins, Bishop, Bissell, Bower, Briggs, Brinkman, Bruner, Butts, Congdon, Corbin, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hartshorne, Hodge, James of Wyandotte, Keller, Kennedy, Martin of Kingman, McClintick, Parsons, Price, Randolph, Richards, Selover, Tucker, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Donahue moved that the House do now adjourn.

The motion prevailed, and at 12:10 P. M. the House adjourned.

#### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 25, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentleman present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bull,

Butts, Callen, Calvin, Clapp, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Keller, Kennedy, Kollock, Lawson, Legate, Leonard, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Baker, Ballard, Barrackman, Berry, Bevins, Biddle, Briggs, Brinkman, Brown, Bruner, Clogston, Congdon, Eggers, Gable (Frank M.), Gable (Thos P.), Gillespie, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Loy, Martin of Kingman, McClintick, Miller, Randolph, Stewart, Wait of Lincoln, Walker, White, Wilson of Jackson, and Woodard.

Quorum present.

#### SPECIAL ORDER.

The House proceeded to consider the special order for 2 o'clock P. M., being substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others, as herein provided.

Mr. Stumbaugh moved to strike out all after the enacting clause, and insert the text of a new bill submitted by him.

Mr. Clark moved that the whole matter be referred to the committee of the whole House.

#### SPECIAL ORDER.

Pending the action thereon, the hour having arrived for the special order for 3 o'clock P. M., being the reports of the Committee on Elections, in the contested election case of Allen vs. Spilman, candidates for Representative of the Seventy-sixth Representative District, the House proceeded to consider the same.



On motion of Mr. Legate, Mr. Allen was permitted to appear in person, and by attorney, for half an hour; whereupon Mr. Allen appeared by his attorney, Samuel Kimble; and Mr. Spilman in person.

Mr. Kennedy moved that the resolution reported by the majority of the committee, retaining Mr. Spilman in his seat, be adopted.

A division of the resolution was demanded—the question being on the motion to adopt the first resolution, as follows:

*Resolved*, That R. B. Spilman, the sitting member, was the legally elected Representative from the Seventy-sixth Representative District of Kansas.

On which Mr. Legate moved the previous question. The motion prevailed.

The yeas and nays being demanded on the motion to adopt the resolution, the roll was called, with the following result: Yeas, 85; nays, 13; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Biddle, Bissell, Blackman, Bower, Breyfogle, Bronson, Brown, Bull, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ewing, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, McKay, Miller, Moore, Morgan, Price, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Beaty, Berry, Blanchard, Corbin, Ellison, Farris, Hamilton of Marshall, Henderson, Leonard, Martin of Miami, McMillen, Richards, and Rood.

Gentlemen absent or not voting: Messrs. Baker, Ballard, Barrackman, Bevins, Bishop, Boggs, Briggs, Brinkman, Bruner, Butts, Callen, Eggers, Gable (Frank M.), Gable (Thos. P.),

Greever, Hall, Hossack, Hutchison, James of Wyandotte, McClintick, McCrumb, Myers, Parsons, Scott, Spilman, Tucker, Walker, Watson, White, Wilson of Jackson, and Wright.

So the resolution was adopted.

The question being on the adoption of the second resolution reported by the committee, it was adopted. The resolution reads as follows:

*Resolved*, That John M. Allen, the contestant, was not legally elected Representative from the Seventy-sixth Representative District of Kansas.

The question being on the adoption of the special report of the committee, allowing the contestant mileage and per diem, Mr. Legate moved the previous question, which was adopted by the following vote: Yeas, 89; nays, 16; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bull, Calvin, Clogston, Cool, Corbin, Danhaur, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hewins, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Blanchard, Bower, Butts, Clark, Cunningham, Eckles, Gillespie, Helmick, Huffaker, Keller, Kollock, Moore, Morgan, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Bevins, Briggs, Bruner, Callen, Clapp, Congdon, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Hossack, Hutchison, James of Wyandotte, McClintick, Parsons,

Randolph, Seaton, Spilman, Tucker, Walker, White, and Wilson of Jackson.

And so the report was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to provide for a special levy of tax, and making an appropriation therefor.

HENRY BRANDLEY, *Secretary*.

The House now proceeded to the further consideration of the special order, being substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided.

Mr. Waite, of Pawnee, moved that the whole matter be referred to the committee of the whole House. The motion did not prevail.

The question being on the adoption of the substitute offered by Mr. Stumbaugh, the yeas and nays were demanded, and the roll was called with the following result: Yeas, 68; nays, 36; absent or not voting, 25.

Gentlemen voting in the affirmative were: Messrs. Alexander, Armstrong, Baker, Barber, Beaty, Biddle, Bishop, Blanchard, Boggs, Bower, Brinkman, Brown, Bull, Butts, Calvin, Clapp, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Godfrey, Greever, Hamilton of Norton, Hartshorne, Hankins, Hodge, Huffaker, Humes, Kollock, Lawson, Legate, Majors, Martin of Labette, Martin of Miami, McKay, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Sallee, Scott, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Shawnee, Barrackman, Berry, Blackman, Breyfogle, Bronson, Clark, Congdon, Corbin, Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, James of Shawnee, Kelley, Kennedy, Leonard, Manning, Martin of Kingman, McCrumb, McMillen, Miller, Moore, Richards, Robb, Rood, Selover, Shaw, Smith of Bourbon, Stewart, and Watson.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Bevins, Bissell, Briggs, Bruner, Callen, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Hossack, Hutchison, James of Wyandotte, Keller, Loy, McClintick, Parsons, Randolph, Seaton, Tallman, Walker, White, and Wilson of Jackson.

So the motion to substitute was adopted.

Mr. Legate moved that the substitute be ordered engrossed, for a third reading. The motion prevailed.

Mr. Eckles moved that the county of Rice be inserted in the list of counties mentioned in the bill. The motion did not prevail.

By consent, Mr. Stumbaugh offered the following amendment to the bill, which was adopted:

An act to create the Sixteenth Judicial District, to provide for Judge thereof and for holding terms of court therein, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 168, An act to enable the county of Doniphan to take up and re-fund its bonded indebtedness.

Also, Senate bill No. 169, An act for the relief of G. W. Squires, of Wilson county, Kansas.

Also, Senate bill No. 84, An act to amend section 19 of an act entitled "An act fixing the fees of certain officers and persons therein named," chapter 39, General Statutes of 1868.

HENRY BRANDLEY, *Secretary*.



Mr. Legate moved that the rules be suspended, and that Senate bill No. 168 be considered engrossed, and read the third time. The motion prevailed.

Senate bill No. 168, An act to enable the county of Doniphan to take up and re-fund its bonded indebtedness, was read the first, second and third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 65. Yeas, 86; nays, 3; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bull, Butts, Calvin, Clogston, Congdon, Cool, Corbin, Danhaur, Donahue, Eastland, Ewing, Farris, Faulkner, Games, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Huffaker, Humes, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Towle, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clapp, Manning, and Taylor.

Gentlemen absent or not voting were: Messrs. Baker, Ballard, Barber, Bevins, Bishop, Bissell, Briggs, Brown, Bruner, Callen, Clark, Cunningham, Eckles, Eggers, Ellison, Fisler, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greiffenstein, Hodge, Hossack, Hutchison, James of Shawnee, Kollock, Lawson, Leonard, Majors, McClintick, Randolph, Scott, Seaton, Stitt, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Mr. Riggs introduced House bill No. 403, An act



concerning district courts, and prescribing certain duties of the judges thereof, which was read the first and second time, and referred to Committee on Judiciary.

By consent, Mr. Stumbaugh, chairman of the Committee on Private Corporations, submitted the following report:

MR. SPEAKER: Your Committee on Private Corporations, to whom was referred House bill No. 391, An act to authorize private persons to lay out and establish cemeteries, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and printed.

F. S. STUMBAUGH, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following report:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and not printed.

S. A. RIGGS, *Chairman*.

By consent, Mr. Gilmore called up Senate bill No. 169, An act for the relief of G. W. Squires, of Wilson county, Kansas, and it was read the first and second time, considered engrossed, and placed on the calendar for third reading.

Mr. Parsons entered a motion to reconsider the vote by which House bill No. 50, An act providing for the confinement at hard labor in the Penitentiary for life of any person three times convicted of any felony or felonies, was lost.

By consent, Mr. Morgan introduced House bill No. 404, An act to amend an act entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," approved March 5, 1877, which was read the first and second time, and referred to the Committee on Assessment and Taxation.

By consent, Mr. Kollock introduced House bill No. 405, An act to amend section 4 of chapter 16 of the General Statutes of the State of Kansas, entitled "An act to provide for the building of bridges," which was read the first and second time, and referred to the Committee on Roads and Highways.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the House petition from R. R. Moore and 118 others, asking for an appropriation for the Northeastern Normal School, at Pardee, Atchison county, have had the same under consideration, and instruct me to report the petition back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 235, An act making appropriation for the support of the State Insane Asylum at Topeka for the fiscal years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that the accompanying substitute from the joint Committee on Ways and Means be passed.

C. E. FAULKNER, *Chairman.*

Mr. Legate moved that the rules be suspended, and that the general appropriation bills, as they appear on the calendar, be the order for each day at 2 o'clock p. m.

The yeas and nays were demanded on the motion to suspend the rules and take up the motion offered by Mr. Legate, and the roll was called, with the following result: Yeas, 48; nays, 43; not voting, 38.

Pending the announcement of the result, Mr. Legate moved a call of the House.

Mr. Humes raised the point of order that the call was not in order.

The Speaker declared the point of order not well taken.

Mr. Humes appealed from the decision of the chair.

The question being, Shall the decision of the chair be the decision of the House? it was decided in the affirmative.

The question being on a call of the House, it did not prevail.

The result of the roll call was announced, as follows: Yeas, 48; nays, 43; absent or not voting, 38.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Barrackman, Beaty, Berry, Biddle, Blackman, Bower, Breyfogle, Butts, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Ewing, Farris, Faulkner,

Games, Godfrey, Hamilton of Norton, Henderson, Hewins, James of Shawnee, Keller, Legate, Leonard, Loy, Martin of La-bette, Martin of Miami, McCrumb, Price, Raybell, Rice, Richards, Riggs, Robb, Rood, Scott, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Towle, Wait of Linn, Watson, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Bishop, Bissell, Boggs, Brinkman, Bronson, Bull, Calvin, Clogston, Eastland, Eckles, Gillespie, Gilmore, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Huffaker, Humes, Kelley, Kollock, Lawson, Manning, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty Rath, Sallee, Spilman, Taylor, Wait of Lincoln, Waite of Pawnee, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Baker, Ballard, Barber, Bevins, Blanchard, Briggs, Brown, Bruner, Callen, Clapp, Clark, Eggers, Ellison, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hankins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, Randolph, Seaton, Selover, Shaw, Stitt, Stumbaugh, Tucker, Walker, White, Willey, Wilson of Jackson, and Wright.

So the motion to suspend the rules, and take up appropriation bills, failed to receive a two-thirds vote, and so did not prevail.

On motion of Mr. Kennedy, the House, at 6:20 o'clock P. M., adjourned.

## EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
 TOPEKA, KANSAS, February 25, 1879. }  
 7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Barber, Barrackman, Bissell, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Callen, Calvin, Clapp, Congdon,

Cool, Corbin, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Rice, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Shawnee, Baker, Ballard, Beaty, Berry, Bevins, Biddle, Bishop, Blackman, Boggs, Brinkman, Brown, Bruner, Butts, Clark, Clogston, Cunningham, Danhaur, Eastland, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hankins, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Legate, McClintick, Raybell, Richards, Riggs, Selover, Spilman, Tucker, Wait of Lincoln, Walker, White, Wilson of Jackson, and Wright.

Quorum present.

Leave of absence was granted to Messrs. Berry, Huffaker and Spilman, on account of sickness; to Mr. Hutchison indefinitely.

Mr. Hodge moved that the rules be suspended, to enable him to offer a resolution.

The motion prevailed, and Mr. Hodge presented a resolution from sundry citizens of Dickinson county, protesting against the passage of substitute for House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties.

By consent, Mr. Callen submitted a communication relating to the same subject.

#### SPECIAL ORDER FOR 7:30 O'CLOCK P. M.

The House then went into committee of the whole, with Mr. Smith, of Marshall, in the chair, for the consideration of the special order.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration substitute for House bill No. 1, An act de-

fining the boundaries of Davis and Dickinson counties, and instruct me to report the same back with the recommendation that it be passed.

W. W. SMITH, *Chairman*.

On motion of Mr. Callen, the report was agreed to.

Mr. Callen moved that the bill be ordered engrossed for a third reading. The motion prevailed.

#### COMMITTEE OF THE WHOLE HOUSE.

Mr. Anderson, of Cherokee, moved that the House resolve itself into committee of the whole, for the consideration of local bills on the calendar, which motion prevailed.

The House went into committee of the whole, with Mr Smith, of Marshall, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, with the recommendation that it be passed as amended.

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county, with the recommendation that it be passed.

House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain officers and their compensation and duties, with the recommendation that it be passed, subject to amendment and debate.

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny, with the recommendation that it be passed.

House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace and Lane counties,



in the State of Kansas, and repealing all former laws relating to the boundaries thereof, with the recommendation that it be passed, subject to amendment and debate.

House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellevue, Pottawatomie county, with the recommendation that it be passed as amended.

Substitute for House bills Nos. 206, 224 and 326, An act to vacate streets, avenues and alleys in the town of St. George and its addition, Pottawatomie county, Kansas, with the recommendation that it be passed.

House bill No. 312, An act to vacate an alley in Herman and McKetrick's addition to the town of Augusta, Butler county, Kansas, with the recommendation that the enacting clause be stricken out.

House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas, with the recommendation that it be passed.

House bill No. 309, An act to vacate certain streets, alleys and lots, and to declare the same outside the city limits, of the city of Chanute, Neosho county, Kansas, with the recommendation that the enacting clause be stricken out.

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge, with the recommendation that it be passed.

House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas, with the recommendation that it be passed, subject to amendment and debate.

Substitute for House bill No. 118, An act conferring the rights of majority on certain persons, with the recommendation that it be passed, subject to amendment and debate.

Substitute for House bill No. 120, An act removing the political disabilities of Robert N. Smith, S. J. Adkins, J. B. Brooks, Jacob Acker, Frank Mastin, John Trout, W. P. Barley, T. B. Campbell, J. F. Martin, M. S. Ely, J. H. Trout, A. J. Gardenville, B. F. Ferguson, S. D. Leslie, S. K. Hancock, J. M. Peters, T. W. Walker, Ignatius B. Walker, J. B. Cannon, Thomas B. Ball, R. J. Routon, J. G. Bowers, W. B. Roper, S. W. Lard, A. L. Duncan, J. C. Byrd and W. C. Adams, with sundry amend-

ments thereto, and the recommendation that it be passed, subject to further amendment.

House bill No. 244, An act for the relief of C. L. Easley, of Reno county, Kansas, with the recommendation that it be passed.

House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding the indebtedness of said county, with the recommendation that it be passed.

House bill No. 282, An act to dissolve the organization of the county therein named, with the recommendation that it be passed.

House bill No. 370, An act for the encouragement of agriculture, with the recommendation that it be passed as amended.

Substitute for House bill No. 11, An act changing the names of A. C. Stretch, Henry Frundlick, Renie LaBlanc, Andrew J. VanValkenburg, Phillip Wenzell, Frank Woodforth, Arletta Gillen, Wood Gillen and Grace Gillen, with the recommendation that it be passed as amended, subject to amendment and debate.

Substitute for Senate bill No. 27, An act for the relief of R. T. Snediker, of Lyon county, Kansas, for moneys erroneously paid on purchase of school lands, with the recommendation that it be passed as amended.

W. W. SMITH, *Chairman*.

On motion, the report of the committee was agreed to.

#### REPORTS OF STANDING COMMITTEE.

By consent, Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 64, An act to repeal chapter 39 of the general laws of Kansas of 1877, entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," approved March, 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 245, An act to vacate the office of county assessor, to prescribe the duties thereof, and to repeal all acts and parts of acts in conflict herewith, have had

the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be printed, and referred to the committee of the whole.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 26, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, a bill of the same purport and object having passed the House.

JOHN S. GILMORE, *Chairman*.

By consent, House bill No. 221, An act declaring the district clerk *ex-officio* register of deeds, prescribing his duties therein, and abolishing the office of register of deeds as it exists under the present law, was referred to the Committee on Ways and Means.

By consent, House bill No. 380, An act to amend section 15 of chapter 122 of the Laws of 1876, being "An act for the regulation and support of common schools," was ordered placed upon the calendar.

Mr. Danhaur moved that House bill No. 68, An act authorizing the building and maintaining of a dam across the Marais des Cygnes river, in Osage county, be placed on the calendar in general order.

On motion of Mr. Hall, bills reported on favorably by the committee of the whole were ordered engrossed for third reading.

By consent, House bill No. 6, An act providing for the redemption of real estate sold for taxes to any city or county, and remaining unredeemed and the certificate untransferred, was ordered placed on the calendar in general order.

On motion of Mr. Biddle, at 10:50 P. M., the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## THIRTY-THIRD DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 26, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Haukins, Helmick, Henderson, Hewins, Hodge, Humes, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Cherokee, Berry, Bevins, Bishop, Blackman, Brinkman, Bruner, Eggers, Fisler, Gable (Thos. P.), Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Loy, McClintick, Stumbaugh, Wait of Lincoln, White, and Wilson of Jackson.

Quorum present.

Leave of absence was granted to Mr. Eggers.

Pending the reading of the journal of yesterday, on motion of Mr. Blanchard further reading was dispensed with.

On motion of Mr. Humes, the rules were suspended, and the House proceeded to the third reading of bills.



By unanimous consent, Mr. Hall introduced House bill No. 406, An act for the relief of Neosho county, Kansas, which was read the first and second time, and referred to the committee of the whole House.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Miller, chairman of the Committee on Municipal Corporations, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A. T. & S. F. Railroad Company which is now held or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 387, An act to legalize the incorporation of the city of McPherson, Kansas, and the subsequent acts of its City Council, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

CHAS. H. MILLER, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred House bill No. 397, An act to amend an act entitled "An act to revise and amend chapter 26, Laws of 1869, providing for the organization and government of cities of the third class," approved March 2, 1871, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

CHAS. H. MILLER, *Chairman*.

Mr. Calvin, chairman of Committee on Temperance, submitted the following report:

MR. SPEAKER: Your Committee on Temperance, to whom was referred Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding



section 10 to said article, have had the same under consideration, and instruct me to report the joint resolution back to the House with the recommendation that it be passed.

T. J. CALVIN, *Chairman*.

By consent, Mr. Kollock introduced House bill No. 407, An act changing the name of Marion Center, Marion county, Kansas, to Marion, was read the first and second time, and referred to the Committee on Judiciary.

By consent, Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following reports:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without printing.

E. C. MANNING, *Chairman*.

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 372, An act authorizing the County Commissioners of Kingman county to issue bonds to pay outstanding county indebtedness, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, without being printed.

E. C. MANNING, *Chairman*.

#### PRESENTATION OF PETITIONS.

By consent, the following petitions were presented, and referred:

By Mr. Blanchard: Of sundry citizens of Labette county, praying for an amendment to the State constitution prohibiting the manufacture and sale of intoxicating liquor, etc. Referred to Committee on Temperance.

By Mr. Wright: Of Henry Duencke and 500 others, against the prohibitory or "Maine liquor law." Referred to the Committee on Temperance.

By consent, Mr. Legate introduced House bill No. 408, An act to amend sections 5 and 6 of an act entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of

such real estate," chapter 39, Laws of 1877. Read the first time, and the rules were suspended, and it was read a second time, and referred to the Committee on Judiciary.

By consent, Mr. Richards introduced House bill No. 409, An act to amend section 5, chapter 88, of the Laws of 1870, being an act entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases." Was read the first and second time, and referred to the Committee on Judiciary.

By consent, Mr. Morgan offered the following resolution, and moved its adoption :

*Resolved*, That the State Printer be requested to inform this House what it will cost to print 3,500 copies of the laws in force in the State at the close of this session, with annotations, on the plan of Dassler's Statutes, with the privilege of copyrighting the same, and selling them at five dollars per copy.

The motion prevailed, and the resolution was adopted.

By consent, Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom

was referred House bill No. 111, An act to vacate a part of Wakefield, Clay county, State of Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof; and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom as referred House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bills Nos. 161, 37 and 315, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas, of George S. Greene, a Notary Public in and for Riley county, Kansas, and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAILOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 303, An act vacating certain farming lands in Wyandotte city, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 194, An act to authorize the Township Trustee of Center township, Marion county, to expend the sum of one thousand dollars in improving the public highway in said township, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house, and furnishing the same, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon



river, in Norton county, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 277, An act to validate the election held in Harper county on the fifth day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

### THIRD READING OF BILLS.

The following bills were read the third time:

Substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 65. Yeas, 95; nays, 2; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clark, Clogston, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Hankins, Henderson, Hodge, Humes, Keller, Kennedy, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Myers, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bissell and Helmick.



Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Berry, Bevins, Bruner, Clapp, Congdon, Cool, Eggers, Gable (Frank M.), Gable (Thos. P.), Gillespie, Hewins, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Lawson, Legate, Loy, McClintick, Morgan, Parsons, Seaton, Wait of Lincoln, White, Wilson of Jackson, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.),

Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 106; constitutional majority, 65. Yeas, 103; nays, 3; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Far-ris, and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 170, An act to change part of a certain street, and to vacate a certain alley, in the city of Wichita, Sedgwick county, Kansas, was read the third time.

The title was amended so as to read, "To vacate part of a certain street and certain alleys."

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Brown, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Bronson, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 124, An act for the relief of G. N. McConnell, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danbaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 114, An act to vacate a State road, was read



a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.



Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull,

Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Brouson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton,

Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 271, An act declaring section lines in Marshall county public highways, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Dannahur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin

of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 41, An act to vacate certain streets and alleys in Baldwin City, was read a third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Dannah, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt,



Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright,

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greifenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 12, An act relating to a special election held in Anderson county, September 14, 1871, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner,

Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.,

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 1, An act to enable the county of Atchison to compromise and re-fund its bonded indebtedness, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Gilmore, and Manning.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barraekman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 277, An act to validate the election held in Harper county on the 5th day of November, 1878, to temporarily locate the county seat at the town of Anthony, in said county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Gilmore, and Manning.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of Kansas, in issuing certain bonds for the purpose of building



a bridge across the Republican river, and to provide for the registration of said bonds, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result :

Whole number of votes cast, 105 ; constitutional majority, 65. Yeas, 103 ; nays, 2 ; not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Griefenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house, and furnishing the same, was read the third time, and the



question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Nemaha, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 194, An act to authorize the Township Trustee of Center township, Marion county, to expend the sum of one thousand dollars in improving the public highways in said township, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 29, An act to repeal section 2 of chapter 139, being an act to amend an act entitled "An act relating to taxation in the county of Leavenworth," approved February 27, 1872, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 38, An act authorizing townships in Linn county to vote bonds for the purpose of building and repairing roads and bridges in said Linn county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell,

Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 104; nays, 1; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey,



Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Mr. Ballard voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain officers, and their compensation and duties, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton



of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker,

Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Gilmore and Ballard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodward, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greifenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore,

Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 244, An act for the relief of C. L. Easley, of Reno county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman,

Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding the indebtedness of said county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Dannahur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 282, An act to dissolve the organization of a county therein named, was, by consent, so amended as to provide for its publication in the "Norton County Advance."

The bill, so amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Dauhaug, Donahue, Eastland, Eckles, Ellison, Ewing; Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.



Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for Senate bill No. 27, An act for the relief of R. T. Snediker, of Lyon county, Kansas, for moneys erroneously paid on purchase of school lands, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.),

Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 370, An act for the encouragement of agriculture, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness, was read the third time, and the question



being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellvue, Pottawatomie county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.



Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson,

Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the affirmative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, James of

Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Bishop, Boggs, Brinkman, Brown, Bruner, Clark, Congdon, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hodge, Hossack, Hutchison, James of Wyandotte, Kennedy, Majors, McClintick, White, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Smith, of Marshall, moved that all bills reported on adversely by committee be not placed on the calendar. The motion prevailed.

#### PRESENTATION OF PETITIONS.

By consent, Mr. Hartshorne presented a petition of the members of the Topeka Phonetic Society, and others, praying for the appointment of a commission to examine and report how far reforms in orthography may be wisely introduced into the public schools of Kansas. Referred to Committee on Education.

By consent, Mr. Hall presented petitions of W. H. Williams and 24 others, and of C. L. Bacon and 123 others, citizens of Neosho county, praying for such amendments to the herd law as will enable the people of the various counties of the State to do away with the same by majority vote, giving a reasonable time (not less than four years) for such amendment to take effect. Referred to Committee on Agriculture.

By consent, Mr. Greever presented a petition of George B. Wood and 175 others, of Wyandotte city, praying that the tem-

perance bill be not passed. Referred to Committee on Temperance.

On motion of Mr. Cool, the House, at 12:30 P. M., adjourned.

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 26, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Bevins, Bishop, Briggs, Brown, Bruner, Bull, Callen, Clark, Corbin, Eggers, Gable (Frank M.), Gable (Thos. P.), Greever, Hewins, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Majors, McClintick, Randolph, Wait of Lincoln, White, Wilson of Jackson, and Wright.

Quorum present.



## REPORTS OF STANDING COMMITTEES.

Mr. Hewins (by Mr. Armstrong), chairman of the Committee on Militia, submitted the following report:

MR. SPEAKER: Your Committee on Militia, to whom was referred Senate bill No. 10, An act to provide for the enrollment of the military, for the organization of the National Guards of the State of Kansas, and for the public defense, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

E. M. HEWINS, *Chairman.*

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellevue, Pottawatomie county, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*



MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 321, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Clapp, chairman of the Committee on Public Lands, submitted the following report:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred House bill No. 347, An act creating the office of Land Commissioner for the State of Kansas, and defining the duties of such Commissioner, and providing for the sale and conveyance of certain lands therein named, have had the same under consideration, acting with the Senate Committee on Public Lands, and instruct me to report the following substitute to the House with the recommendation that it be passed.

DEXTER E. CLAPP, *Chairman*.

By consent, House bill No. 347 was made the special order for next Monday evening at 7:30 o'clock.

Mr. Barber, chairman *pro tem*. of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 405, An act to amend section 4 of chapter 16 of the General Statutes of the State of Kansas, entitled "An act to provide for the building of bridges," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

M. L. BARBER, *Chairman pro tem*.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following report:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 383, An act to authorize the pur-

chase of additional grounds for the Insane Asylum at Topeka, and make an appropriation for the payment of the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

C. E. FAULKNER, *Chairman*.

Mr. Waite, of Pawnee, filed his motion to reconsider the vote by which substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein, to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, was ordered engrossed, for a third reading.

Mr. Clogston, chairman of the Committee on Criminal Jurisprudence, submitted the following reports:

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred Senate bill No. 55, An act in relation to the death penalty, and to amend an act to establish a code of civil procedure, and supplemental thereto, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred Senate bill No. 155, An act providing for the reception of United States prisoners in the county jails and Penitentiary of the State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 357, An act to amend an act entitled "An act to establish a code of criminal procedure," being an act to amend section 227 of chapter 82 of Laws of 1868, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

J. B. CLOGSTON, *Chairman*.

By consent, Mr. Humes introduced House bill No. 410, An act to amend an act providing for the apportionment of the State of Kansas into three Congressional districts, approved March 2, 1874, which was read the first and second time, and referred to the Committee on Apportionment.

### THIRD READING OF BILLS RESUMED.

The House resumed the order for bills on third reading.

House bill No. 112, An act to amend "An act for the regulation and support of common schools," approved March 4, A. D. 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 94; nays, 0; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Barrackman, Berry, Bevins, Bishop, Briggs, Bruner, Bull, Clark, Congdon, Donahue, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Norton, Hewins, Hossack, Hutchison, James of Wyandotte, Keller, Legate, Martin of Kingman, McClintick, Myers, Parsons, Randolph, Rood, Smith of Marshall, Stewart, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate joint resolution No. 2, amending section 1, article 11 of the constitution of the State of Kansas, relating to property exempt from taxation, was read the third time, and the question being, Shall the resolution pass? Mr. Anderson, of Cherokee, moved the previous question—the question being, Shall the main question be now put? The motion prevailed, and the roll was called.

Pending the announcement of the result, Mr. Gilmore moved a call of the House.

Mr. Manning raised the point of order, that the motion was out of order.

The Speaker ruled that the point of order was not well taken.

The motion for the call of the House was sustained.

The roll being called, the following absentees without leave were noted: Messrs. Anderson of Ellsworth, Callen, Greiffenstein, Hewins, Hossack, James of Wyandotte, Keller, and Wilson of Jackson.

The Sergeant-at-Arms was instructed to bring in the absentees.

The Sergeant-at-Arms reported Mr. Greiffenstein before the bar of the House.

On motion of Mr. Faulkner, he was excused.

Mr. Hartshorne moved that further proceedings under the call be dispensed with. The motion did not prevail.

Several gentlemen answered to their names; and Mr. Smith, of Marshall, moved that further proceedings under the call be dispensed with.

The Speaker declared the motion out of order; from which ruling Mr. Smith, of Marshall, appealed.

The Speaker declared the appeal out of order.

Mr. Humes moved a reconsideration of the vote by which the motion to dispense with further proceedings under which the call was made, was not sustained.

Mr. Manning moved to lay the motion to reconsider on the table.

The Speaker declared it out of order.

The motion to reconsider prevailed.

The motion to dispense with further proceedings under the call prevailed.

The result was then announced, as follows: Yeas, 86; nays, 27; absent or not voting, 16.

Gentlemen voting in the affirmative were: Messrs. Albin Alexander, Anderson of Cherokee, Anderson of Shawnee, Baker, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Cunningham, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Hodge, Huffaker, Humes, James of Shawnee, Kollock, Lawson, Leonard, Loy, Majors, Martin of Kingman, McCrumb, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Richards, Riggs, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Woodard.

Gentlemen voting in the negative were: Messrs. Armstrong, Barber, Blanchard, Briggs, Corbin, Danhaur, Eckles, Greever, Hamilton of Marshall, Hartshorne, Henderson, Kelley, Kennedy, Legate, Manning, Martin of Labette, Martin of Miami, McKay, Parsons, Rice, Robb, Rood, Selover, Taylor, Towle, Willey, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Bevins, Brown, Bruner, Eggers, Gable (Frank M.), Gable (Thos. P.), Hewins, Hossack, Hutchison, James of Wyandotte, Keller, McClintick, Randolph, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the joint resolution, it passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale, was read the third time.



Mr. Stewart moved the previous question. The motion prevailed.

The question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 102; constitutional majority, 65. Yeas, 90; nays, 12; absent or not voting, 27.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Beaty, Berry, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Bull, Callen, Clark, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Barber, Bower, Briggs, Brinkman, Corbin, Faulkner, Hamilton of Norton, Humes, Kollock, Price, Seaton, and Spilman.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Bevins, Biddle, Bishop, Brown, Bruner, Butts, Callen, Clapp, Congdon, Donahue, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hewins, Hossack, Hutchison, James of Wyandotte, Keller, Majors, McClintick, Parsons, Randolph, Walker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 109, An act to amend "An act declaring sectional lines in the several counties herein named public highways," approved February 26, 1867, and amended by an act approved March 3, 1868, was read the third time.

Mr. Riggs moved that the original section 2, which was stricken out, be restored.

By consent, the bill was referred to the committee of the whole House.

Substitute for House bill No. 65, An act to amend section 2 of an act approved March 2, 1877, entitled "An act to enable counties, townships and cities to loan their credit to aid in constructing narrow-gauge railroads," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 49; nays, 56; absent or not voting, 24.

Gentlemen voting in the affirmative: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Beaty, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Clapp, Faris, Gable (Frank M.), Gable (Thos. P.), Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, James of Shawnee, Kollock, Lawson, Loy, Martin of Labette, McCrumb, McMillen, Myers, Prunty, Rath, Richards, Riggs, Rood, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Baker, Ballard, Barber, Barrackman, Bishop, Bissell, Bower, Briggs, Bronson, Brown, Bull, Butts, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Eastland, Eckles, Ewing, Faulkner, Fisler, Games, Godfrey, Hamilton of Norton, Hewins, Hodge, Huffaker, Humes, Kennedy, Legate, Leonard, Manning, Martin of Kingman, Martin of Miami, McKay, Miller, Price, Raybell, Rice, Robb, Sallee, Seaton, Selover, Smith of Marshall, Stitt, Tallman, Towle, Tucker, White, Wilson of Nemaha, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Berry, Bevins, Biddle, Bruner, Callen, Calvin, Dannah, Donahue, Eggers, Ellison, Greever, Hossack, Hutchison, James of Wyandotte, Keller, Kelley, Majors, McClintick, Moore, Morgan, Parsons, Randolph, Scott, and Wilson of Jackson.

The bill having failed to receive a constitutional majority, it did not pass.

Mr. Anderson, of Cheorkee, offered an amendment to the bill

repealing chapter 41 of the Session Laws of 1877, which amendment the Speaker declared out of order.

House bill No. 234, An act making an appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, was taken up.

Mr. Humes moved the previous question. The motion did not prevail.

Mr. Clapp moved that the words, "providing for the arming with Winchester rifles," be stricken out, and the words in the bill as originally drafted be reinserted. The amendment prevailed.

Mr. Kennedy moved that the bill be amended so that the pay of the commanding officer shall be \$75 per month instead of \$65. The amendment did not prevail.

The bill, as amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 104; constitutional majority, 65. Yeas, 80; nays, 24; absent or not voting, 25.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Bishop, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bull, Butts, Calvin, Clapp, Cool, Eastland, Eckles, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Rath, Rice, Richards, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Ellsworth, Baker, Berry, Blackman, Blanchard, Clark, Clogston, Corbin, Cunningham, Farris, Gilmore, Hamilton of Marshall, Huffaker, Legate, Martin of Miami, Prunty, Raybell, Smith of Marshall, Spilman, Towle, White, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Biddle, Bissell, Brown, Bruner, Callen, Congdon, Danhaur, Donahue, Eggers, Greiffenstein, Hossack, Hutchison, James of Wyandotte, Keller, Lawson, Majors, McClintick, McCrumb, Randolph, Riggs, Scott, Seaton, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein across the cultivated lands or hedge-rows of another, and providing a penalty therefor, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 74; nays, 21; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Beaty, Berry, Bishop, Bissell, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Butts, Calvin, Congdon, Cool, Cunningham, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greiffenstein, Hall, Hartshorne, Hankins, Helmick, Hodge, Huffaker, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, McCrumb, McKay, McMilen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Riggs, Rood, Sallee, Seaton, Selover, Shaw, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Bower, Clark, Clogston, Corbin, Gilmore, Hamilton of Norton, Henderson, Hewins, Humes, Martin of Labette, Martin of Miami, Raybell, Richards, Smith of Bourbon, Smith of Marshall, Spilman, Towle, Tucker, White, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barber, Barrackman, Bevins, Biddle, Briggs, Brown, Bruner, Bull, Callen, Clapp, Danhaur, Donahue, East-



land, Eggers, Fisler, Games, Godfrey, Greever, Hamilton of Marshall, Hossack, Hutchison, James of Wyandotte, Keller, Majors, McClintick, Randolph, Rice, Robb, Scott, Stewart, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to, by striking out "unlawfully," and inserting the word "maliciously."

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Clark moved that the House do now adjourn. The motion did not prevail.

Senate bill No. 169, An act for the relief of G. W. Squires, of Wilson county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 90; constitutional majority, 65. Yeas, 90; nays, 0; absent or not voting, 39.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Bishop, Bissell, Blackman, Blanchard, Bower, Breyfogle, Bronson, Bull, Butts, Clapp, Clark, Clogston, Cool, Danhaur, Eckles, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huffaker, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Seaton, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Berry, Bevins, Biddle, Boggs, Briggs, Brinkman, Brown, Bruner, Callen, Calvin, Congdon, Corbin, Cunningham, Donahue, Eastland, Eggers, Ellison, Farris, Fisler, Godfrey, Hamilton of Norton, Hossack, Hutchison, James of Wyandotte, Keller, Lawson, Majors, Manning, McClin-



tick, Randolph, Rood, Scott, Selover, Tucker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Farris moved that the House do now adjourn.

The motion prevailed, and at 6 o'clock P. M., the House adjourned.

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 26, 1879. }  
7:30 o'clock P. M. }

House called to order; Speaker *pro tem.* Price in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Huf-faker, Humes, Hutchison, James of Wyandotte, Kelley, Kennedy, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Ballard, Bevins, Bishop, Briggs, Brinkman, Brown, Bruner, Callen, Clark, Eastland, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Hartshorne, Henderson, Hossack, James of Shawnee, Keller, Kollock, Lawson, Majors, Manning,

McClintick, Morgan, Randolph, Wait of Lincoln, and Wilson of Jackson.

Quorum present.

On motion of Mr. Briggs, and by consent, House bill No. 373 was referred to Committee on Manufactures.

#### REPORTS OF STANDING COMMITTEES.

By consent, Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 166, An act relating to taxation in Leavenworth county, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bills Nos 206, 224 and 326, An act to vacate streets, avenues and alleys in the town of St. George, and its addition, Pottawatomie county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon creek, in Dickinson county, Kansas, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips

and Rooks counties, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.       GEORGE TAYLOR, *Chairman*.

By consent, Mr. Legate offered the following resolution, which was adopted:

*Resolved*, That the Auditor of State be requested to report to this House the amount of vouchers outstanding, known as Price raid scrip, or the Curtis Indian raid scrip; the different classes, and for what each class represents, whether for service or losses.

#### COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole for the consideration of the special order, with Speaker *pro tem*. Price in the chair. The motion prevailed.

The House then went into a committee of the whole, with Mr. Price in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration special order for 7:30 o'clock P. M., being substitute for House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas for the purpose of paying the indebtedness of the State of Kansas, assumed and provided for by act approved February 26, 1867, being "An act to provide for the assumption and settlement of the claims growing out of the Price raid claims of 1864, and the Indian expedition under Major General Curtis in July and August, 1864," and have instructed me to report the bill back to the House with recommendation that it be made the special order for to-morrow night at 7:30 o'clock; and ask leave to sit again.

J. M. PRICE, *Chairman*.

The report of the committee was adopted.

#### REPORTS OF STANDING COMMITTEE.

By consent, Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 60, An act to regulate the practice of medicine in the State of Kansas, have examined and care-

fully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 138, An act to authorize and empower the county of Douglas to take up and re-fund its bonded indebtedness, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

On motion of Mr. Smith, of Marshall, the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

---

## THIRTY-FOURTH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 27, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Brown, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Huf-

faker, James of Wyandotte, Keller, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Alexander, Bevins, Bishop, Briggs, Brinkman, Bruner, Bull, Congdon, Donahue, Eastland, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Hamilton of Norton, Hosack, Humes, Hutchison, James of Shawnee, Kelley, Kollock, McClintick, Selover, Wait of Lincoln, Walker, White, Wilson of Jackson, and Wright.

Quorum present.

Pending the reading of the journal of yesterday, on motion of Mr. Stewart further reading was dispensed with.

#### COMMUNICATION FROM STATE PRINTER.

Mr. Martin, State Printer, through the Speaker, presented the following communication in relation to the cost of the statutes.

TO THE LEGISLATURE: I have received the following House resolution, adopted February 26th:

*"Resolved, That the State Printer be requested to inform this House what it will cost to print 3,500 copies of the laws in force in the State at the close of this session, with annotations on the plan of Dassler's Statutes, with the privilege of copyrighting the same, and selling them at \$5.00 per copy."*

The Senate Judiciary Committee suggest the Iowa code of 1873 as a sample book. This book contains side-notes after the style (mechanically) of our Statutes of 1868, and in shape and size varies but a trifle from the page of our Statutes of 1868. I have made figures showing the cost to the State under the present Printer fee-bill, of various quantities of books and number of pages, and I have had these figures verified by Mr. Edward Downard, Chief Clerk in the office of Secretary of State. Mr. Downard has measured all the public printing of Kansas for the past eight years, and is therefore an expert. These statements include all labor, and all material of the very best quality fur-



nished under the State contract; being such paper and law lamb as is used on the 20th volume of Supreme Court Reports. These figures are as follows:

3,000 books, 1,200 pages, \$9,140.22, or \$3.04 per copy;  
 3,000 books, 1,400 pages, \$10,119.35, or \$3.37 per copy;  
 3,000 books, 1,500 pages, \$10,618.54, or \$3.54 per copy;  
 3,500 books, 1,200 pages, \$10,188.56, or \$2.91 per copy;  
 3,500 books, 1,400 pages, \$11,265.61, or \$3.22 per copy;  
 5,000 books, 1,200 pages, \$13,400.73, or \$2.68 per copy;  
 5,000 books, 1,400 pages, \$14,767.66, or \$2.95 per copy;  
 5,000 books, 1,500 pages, \$15,452.49, or \$3.09 per copy.

In addition to the above, add \$1,000, estimated cost of compilation, and we have:

3,000 books, 1,200 pages, \$10,140.22, or \$3.38 per copy;  
 3,000 books, 1,400 pages, \$11,119.35, or \$3.70 per copy;  
 3,000 books, 1,500 pages, \$11,618.54, or \$3.87 per copy;  
 3,500 books, 1,200 pages, \$11,188.56, or \$3.20 per copy;  
 3,500 books, 1,400 pages, \$12,265.61, or \$3.50 per copy;  
 5,000 books, 1,200 pages, \$14,400.73, or \$2.85 per copy;  
 5,000 books, 1,400 pages, \$15,767.66, or \$3.15 per copy;  
 5,000 books, 1,500 pages, \$16,452.49, or \$3.29 per copy.

Ten thousand copies of fourteen hundred pages will cost about \$2.65 per volume, or including compilation about \$2.75 per volume.

If the State retained ownership of the copyright, and the books placed in the hands of the Librarian for sale, just as the Supreme Court Reports are, the sales in a few years, at \$5 per copy, would contribute largely to refunding the cost.

Very respectfully,

GEO. W. MARTIN,  
*State Printer.*

OFFICE OF THE SECRETARY OF STATE, }  
 TOPEKA, February 27, 1879. }

I have examined the foregoing estimates of cost of material and work in printing and binding the laws of our State, when compiled, and on the estimates, as to number of books and pages to book, above set forth, and find the same to be substantially correct. The estimates of cost are made under our State Printer's law of 1876.

ED. DOWNARD,  
*Chief Clerk in Office of Secretary of State.*

## THIRD READING OF BILLS.

By unanimous consent, the House proceeded to a third reading of bills.

House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 100; nays, 0; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Clapp, Clark, Donahue, Eggers, Fisler, Gilmore, Hamilton of Marshall, Hodge, Humes, Hutchison, Kelley, Kollock, Legate, McClintick, Randolph, Stewart, Stumbaugh, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 111, An act to vacate a part of Wakefield, Clay county, State of Kansas, was read the third time, and the

question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 100; nays, 0; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Clapp, Clark, Donahue, Eggers, Fisler, Gilmore, Hamilton of Marshall, Hodge, Humes, Hutchison, Kelley, Kollock, Legate, McClintick, Randolph, Stewart, Stumbaugh, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 166, An act relating to taxation in Leavenworth county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 100; nays, 0; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanch-

ard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Clapp, Clark, Donahue, Eggers, Fisler, Gilmore, Hamilton of Marshall, Hodge, Humes, Hutchison, Kelley, Kollock, Legate, McClintick, Randolph, Stewart, Stumbaugh, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 15, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 100; nays, 0; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack,



Huffaker, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Clapp, Clark, Donahue, Eggers, Fisler, Gilmore, Hamilton of Marshall, Hodge, Humes, Hutchison, Kelley, Kollock, Legate, McClintick, Randolph, Stewart, Stumbaugh, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 100; nays, 0; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith



of Marshall, Spilman, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Clapp, Clark, Donahue, Eggers, Fisler, Gilmore, Hamilton of Marshall, Hodge, Humes, Hutchison, Kelley, Kollock, Legate, McClintick, Randolph, Stewart, Stumbaugh, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House amendment to Senate bill No. 27, An act for the relief of R. T. Snediker of Lyon county, Kansas, for money erroneously paid on purchase of school land.

And has indefinitely postponed the consideration of House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law.

Has also passed House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole for the consideration of bills on the calendar, and that members be limited to five-minute speeches, which motion prevailed.

The House then went into the committee of the whole, with Mr. Anderson, of Shawnee, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to

report them back to the House with the following recommendations:

House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, with the recommendation that it be passed as amended by the committee.

House bill No. 107, An act to amend section 78 of chapter 60 of the Laws of 1871, it being "An act to revise and amend chapter 26 of the Laws of 1869, providing for the organization of cities of the third class," with the recommendation that its enacting clause be stricken out.

House bill No. 61, An act for the relief of defaulting purchasers of school lands, with the recommendation that it be passed, subject to amendment and debate.

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State, with the recommendation that it be allowed to retain its place on the calendar.

House bill No. 101, An act fixing the terms of the District Court in the counties composing the Ninth Judicial District, with the recommendation that it be allowed to retain its place on the calendar.

Substitute for House bill No. 16, An act to empower county commissioners to levy a special tax to pay outstanding warrants, with the recommendation that the enacting clause be stricken out.

House bill No. 155, An act to amend section 48 of the Laws of 1872, entitled "An act to incorporate cities of the second class, and to repeal former acts," with the recommendation that it be passed as amended.

House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, with the recommendation that it be passed as amended.

House bill No. 157, An act relating to State and county roads, with the recommendation that it be passed.

The committee also instruct me to report progress on the balance of the calendar, and ask leave to sit again.

T. J. ANDERSON, *Chairman.*

On motion, the report was accepted.

## PRIVILEGE REPORT.

Mr. Randolph, chairman of the committee on investigation, submitted the following report:

TOPEKA, KANSAS, February 27, 1879.

*To the House of Representatives of the State of Kansas:*

Your committee on investigation makes the following special report:

That Hon. Geo. W. McClintick, a member of your honorable body, having been sworn as a witness before the said committee, on the 10th day of February, 1879, testified, among other things, in substance, that before the late election of a United States Senator, by the Legislature of the State of Kansas, a man offered to pay him, the said G. W. McClintick, the sum of \$300 to vote for a certain candidate then named for United States Senator.

And that prior to the aforesaid election, another man offered to pay him, the said Geo. W. McClintick, the sum of \$800 to vote for a certain candidate then named for United States Senator; and, thereupon, your committee asked the witness to state the name of the man who thus offered to pay him the sum of \$300 for his vote, which question the witness then refused to answer.

And, thereupon, your committee asked the witness to give the name of the man who thus offered him the sum of \$800 for his vote, which question the witness then refused to answer. That on the 20th day of February, 1879, the said Geo. W. McClintick was recalled as a witness before your committee, and was again asked to state the name of the man who offered to pay him the sum of \$300 for his vote aforesaid, which question the witness has refused to answer, and he still refuses to answer the same; and that said witness was then and there asked to give the name of the man who offered him the sum of \$800 for his vote as aforesaid, which question the witness has refused to answer, and he still refuses to answer the same. Wherefore your committee makes the foregoing report, and prays the action of the House thereon.

Respectfully submitted.

A. M. F. RANDOLPH, *Chairman.*

Mr. Randolph then offered the following resolution, and moved its adoption:

*Resolved*, That the Sergeant-at-Arms of the House be hereby

instructed to arrest Hon. George W. McClintick, a member of the House, for contempt in refusing to answer the questions set forth and stated in the special report made concerning him, the said George W. McClintick, by the committee appointed under the resolution of the House of Representatives, to investigate charges of bribery and corruption in the late Senatorial election, and to bring him before the bar of the House to answer for such contempt.

Mr. Biddle moved that action on the report and resolution be postponed until to-morrow at 10 o'clock A. M., which motion prevailed.

The Speaker laid before the House the following communication from Mr. E. L. Smith, Manager of the Western Union Telegraph Company, which was read by the Clerk:

*To the Hon. Sidney Clarke, Speaker of House of Representatives,  
Topeka, Kansas:*

SIR: On Saturday, the 22d inst., the House of Representatives passed a resolution, of which the following is a copy:

*"Resolved, That the said E. L. Smith be committed to and detained in close custody by the Sergeant-at-Arms in the Capitol during the remainder of the session, or until discharged by the further order of the House, to be taken when he shall have purged the contempt upon which he was arrested, by testifying before the committee authorized to continue the investigation and produce the telegrams required by the summons served on him."*

This resolution, as shown by the journal of proceedings of the House, was introduced by Hon. A. M. F. Randolph, chairman of the committee appointed by the House of Representatives on the 6th inst., "to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office made against the recently elected Senator." Upon the adoption of said resolution, the Sergeant-at-Arms of this House took me into custody, and as required by said resolution has ever since restrained and still restrains me of my liberty.

I am advised by counsel, and believe, that the action of the House of Representatives was taken upon an erroneous view of the antecedent facts pertaining to myself personally, and upon a mistaken view of the business relations exacting between myself and the Western Union Telegraph Company, and also, without due consideration of the question, (as it affects the good of the community,) whether the right exists on the part of this House



to invade the office of the Telegraph Company, and seize the private correspondence of any citizen and expose it to the public. And as the resolution above quoted was adopted at the instance of the mover thereof, under an order for the previous question, thereby cutting off all debate on the part of the members, and all argument upon the part of the undersigned, I most respectfully beg leave to now submit for your consideration, and that of the House of Representatives, those matters which I desired to present for and on behalf of the Telegraph Company, whose servant I am, before final action of the House ordering my arrest for a supposed contempt, and which I would have been able to submit on Monday, if the House had not so summarily determined the question. And having been arrested, and being now in custody by order of this House for such supposed contempt, without having had a hearing, I am impelled, under the advice of counsel, in justice to the Telegraph Company, and to myself, most respectfully to ask the House of Representatives to reconsider its action on the 22d inst.; and to this end, I beg leave to submit such facts and statements as will, I trust, present the whole case in proper light for the calm consideration of the House, and for such final action in the premises as the House, in its wisdom and judgment, shall determine upon.

*First:* As respects the facts antecedent to the action of the House on the 22d inst. At about one o'clock P. M. of Monday, the 17th inst., Mr. Higgins, the Sergeant-at-Arms of the House, served a subpoena upon me, of which the following is a copy:

"HOUSE OF REPRESENTATIVES,  
TOPEKA, KAS., Feb. 17, 1879. }

*"To E. L. Smith, Manager Western Union Tel. Co.:*

*"SIR:* In pursuance of a resolution of the House, adopted February 6, 1879, of which the following is a copy—

*"Mr. Clapp, of Woodson, rose to a question of privilege, and offered the following:*

*"Whereas, It is charged that, during the progress of the late Senatorial election, acts of bribery and corruption were resorted to, to influence the votes of members of this House for United States Senator; and*

*"Whereas, It is also charged that offers were made to pay large sums of money for votes for Senator, and that in some cases these corrupt offers were made by members of this House; and*

*"Whereas, The honor of the State, the integrity of this House, and the character of the Senate of the United States, demand that a full and impartial investigation should be had of the facts and circumstances connected with the aforesaid charges: therefore,*

*"Resolved, That a committee of five members be appointed, whose duty it shall be to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office against the recently-elected Senator, to*



the end that the innocent may be vindicated, and all acts of bribery punished; and said committee shall have power to employ a clerk, to administer oaths, and to send for persons and papers.

"Ordered, That Messrs. Randolph, Callen, Hall, Hartshorne and Keller constitute such committee.

"By order of the House.

WIRT W. WALTON, *Chief Clerk.*"

"You are hereby notified to attend before said committee, at their room, in the city of Topeka, on Monday, the 17th day of February, 1879, at 7:30 o'clock P. M., there to give such information touching the subject of inquiry as may be in your possession. And you are hereby further directed to bring with you, before said committee, such original telegrams as refer directly or indirectly to the late election of a United States Senator in this State, or which mention money, and which were sent from your office in Topeka, Kansas, from January 24th, 1879, to this date, (17th day of February, 1879,) by the following-named persons: J. J. Ingalls, David Auld, Byron Roberts, J. S. Danford, Col. Hood, ——— Morris, J. S. Merritt, and J. C. Wilson, and copies of all telegrams in answer thereto by you received; also, copies of all telegrams by you received during said time upon the above subject for the persons above named; and such other documents in your custody as may be required in the investigation of said subject.

"By order of Committee of Investigation.

"A. M. F. RANDOLPH, *Chairman.*"

When Mr. Higgins served said subpoena, he told me that Mr. Randolph, chairman of the committee, had suggested that I might not be able to attend before the committee on such short notice, as it was probable that a longer time would be required to examine the entire dispatches sent from and received at the telegraph office during the time covered by the subpoena than that given me by the subpoena; and that if I needed more time, that I could see him (Randolph), and that he (Randolph) and myself could arrange as to a convenient time. I told Mr. Higgins to inform Mr. Randolph, that in view of the duties imposed upon me as manager of the Telegraph Company's office and business at Topeka, it would require much longer time than that allowed by the terms of the subpoena, and also, that under the rules of the company, with respect to my general duties, I would be obliged to advise the Telegraph Company's officers of the service of the subpoena, and could not produce any messages, either originals or copies, unless advised and directed by my superior officers and employers to do so, and that I would telegraph at once for advice and instructions.

And I thereupon, on the same day (February 17th), telegraphed to the Superintendent of the Telegraph Company, under whose immediate orders my duties are performed, the fact of the

service of the subpena, and telegraphed also a copy of such subpena, and asked for advice and instructions. On the 19th of February, I was informed by the Superintendent of the Telegraph Company that the company, disavowing any partisan feeling for or against any person or candidate whose action might be inquired into by the committee of which Mr. Randolph is chairman, and recognizing the power and authority of the Legislature of Kansas to order and cause to be made all such investigations as it might deem proper in the premises, and without knowing or admitting that the company was in possession of any message or messages which the committee desired to examine, felt itself obliged, on grounds of public policy, and for reasons of a public nature, to preserve inviolable the confidence reposed in it by its patrons; and must therefore refuse its consent to remove from its custody any private message, or copy thereof. And the Telegraph Company further advised me that said company recognized my duty and obligation under the law to appear and answer whenever the committee should desire me to attend, and instructed me to go before the committee when called upon, but to decline to produce any messages held by me as its employé and servant.

The next morning, February 20th, Mr. Randolph called on me, and inquired as to the decision of the Telegraph Company, and inquired when I could appear before the committee. I replied, that in accordance with instructions received from the General Superintendent of the Telegraph Company, I would send him a communication in writing that forenoon. Mr. Randolph expressed himself satisfied with that, and requested me to send my communication to the Fifth Avenue Hotel for him, where he could get it at noon. I did so. This was on the 20th of February. In that communication I clearly and distinctly advised Mr. Randolph that I held myself in readiness to appear before his committee at any time he might designate. That such communication may be rightly understood, I herein copy the same, as follows:

“OFFICE OF THE WESTERN UNION TELEGRAPH COMPANY, }  
TOPEKA, KANSAS, February 20, 1879. }

“*Hon. A. M. F. Randolph, Chairman, &c.:*

“DEAR SIR: In answer to your subpena, duly served on me, I most respectfully submit, that I hold myself in readiness to appear before your committee at any time you may designate; but as I am in possession of the

telegraphic messages of the Western Union Telegraph Company solely by virtue of my position as manager of the Topeka office, I am compelled, by the rules of the company, and the instructions received from its officers, with due respect, to decline to produce any original telegrams in my hands as the custodian of the company, or disclose the contents thereof. I beg to assure you that this decision is not made out of any want of proper respect for the dignity and authority of your honorable body, but on account of the peculiar relations of confidence which exist between the Telegraph Company and its patrons, and its desire to preserve that confidence inviolate.

"Yours, respectfully, E. L. SMITH, *Manager.*"

It will be remembered that Mr. Randolph had himself suggested a delay beyond the hour designated for my appearance, when he sent the subpena; that a time for my appearance before the committee was to be subsequently arranged between us; that when he called on me, and was told I would first answer in writing, he assented; that he did not then or thereafter notify me to appear in person. I had no thought or purpose of neglecting or refusing to go before the committee in person; nor a wish or desire to resist or disobey its process. When I sent my communication to Mr. Randolph, I expected he would notify me to appear, and that he would show, by my testimony, just what relation I sustained to the Telegraph Company, and whether I had or held any messages as the Telegraph Company's manager of the Topeka telegraph office, and if so, what messages I so held, and in what capacity I held them; and that I would be asked to produce such messages. Had this been done, I should have promptly appeared, and answered fully; and should have only declined to produce the messages because they were not and are not under my control, but under the control of my employer, and my employer had instructed me as the servant of the Western Union Telegraph Company not to produce them.

To my surprise, the committee, through Mr. Randolph, its chairman, reported to the House, in a communication bearing date the same day, February 20th, among other matters, as follows:

"That the said E. L. Smith has failed, neglected and refused, and that he still fails, neglects and refuses to obey said subpena, and to attend before said committee, according to the command thereof.

I most respectfully submit that, in view of the foregoing facts, I did not refuse to attend before the committee at all; that it was impossible for me to attend at the time designated in the

subpena; and that Mr. Randolph himself not only anticipated it would be impossible, but himself gave permission for me to obtain the proper advice and instructions of the superior officers and managers of the Telegraph Company, and that he acquiesced in the further delay suggested by my statement that I would first communicate to him in writing the decision and instructions of my employer. I further submit that, by reason of the premises, I was not in default, technically or otherwise, and that before being reported as having "failed, neglected and refused" to appear before the committee, and as having failed, neglected and refused to obey the subpena served upon me, the committee, after receiving my communication of the 20th, should have notified me to appear, and should have ascertained whether any of the messages which the committee desired to examine were, or ever had been, in my possession personally, or as the agent of the Telegraph Company. The investigating committee assumed that certain messages had been delivered to me, and were still in my possession, and upon this assumption, and without any proof or evidence, and in the face of my distinct statement that I was ready to appear at any time the committee should designate, the committee reported me as having "failed, neglected and refused" to do what is not shown at all it was in my power to do, even if I had been instructed by my employer to produce all messages desired by the committee.

And I would respectfully call your attention to the action of the House on the 21st and 22d inst. When the report of the committee, of date 20th inst., was read in the House on 21st, Mr. Randolph, the chairman of said committee, immediately offered the following resolution, which was adopted:

*"Resolved, That the Sergeant-at-Arms of the House is hereby instructed to arrest E. L. Smith for contempt in refusing to respect the subpena issued on the 17th day of February 1879, by the committee appointed, under resolution of the House of Representatives, to investigate charges of bribery and corruption in the late Senatorial election, and bring him before the bar of the House of Representatives to answer for such contempt."*

Now I respectfully submit that when this resolution was adopted, I was not only not guilty of any contempt, but I had not even been adjudged to be guilty. The committee, through its chairman, had reported that I had failed, neglected and refused to obey the subpena; but the committee had not assumed to adjudge



that by reason thereof I was guilty of contempt. Whether the neglect, failure and refusal reported by the committee, (even if true,) constituted a "contempt," was a question, as I am advised, which could only be determined by the House, and which should have been first determined by the House in some proper form before the adoption of any motion, or resolution, ordering my arrest for contempt. No such motion or resolution was adopted, or even offered; and therefore there was no judgment or decision upon which to ground the resolution above quoted, ordering my arrest.

Again, the resolution ordering my arrest was adopted on the 21st, and on the morning of the 22d I was arrested by the Sergeant-at-Arms, who reported such fact to the House, whereupon Mr. Randolph offered the following resolution, which was adopted without debate, to wit:

*"Resolved, That E. L. Smith, of the city of Topeka, Kansas, now in the custody of the Sergeant-at-Arms, on an attachment for a contempt in refusing or neglecting obedience to the summons (subpena duces tecum) before the investigating committee of the House of Representatives of the State of Kansas, be now arraigned at the bar of the House, and that the Speaker propound to him the following interrogatories:*

"1. What excuse have you for refusing to answer before the committee on investigation of this House in pursuance of the summons served on you for that purpose?

"2. Are you now ready to appear before said committee and answer such proper questions as shall be put to you by said committee, and to produce the telegrams required by the summons (subpena duces tecum) served on you?"

This resolution being adopted, and the questions therein being propounded to me by the Speaker, I submitted the following answer:

*"To the Hon. Sidney Clarke, Speaker of the House of Representatives:*

"SIR: I most respectfully submit that the action taken by the House of Representatives requiring your Sergeant-at-Arms to bring me before the bar of the House to answer for contempt in not appearing before the committee of which the Hon. A. M. F. Randolph is chairman, is based upon a misapprehension of my communication to Mr. Randolph, of date 20th inst. I did not decline or refuse to go before the committee. In my communication to Mr. Randolph I used this language: 'I hold myself in readiness to appear before your committee at any time you may designate.' I had been instructed by the management of the Western Union Telegraph Company to decline to produce any original telegrams in my possession, as the custodian thereof for the Company, and so informed the committee;



but I should have appeared, nevertheless, at any time, on notice or request, and would have answered any and all questions put to me by the committee, not involving the rights or duties of the Telegraph Company to preserve the confidence existing between such company and its patrons.

"The Telegraph Company has advised me that it has forwarded by mail a communication, inclosing the answer which it desires me to make in its behalf, in support of its right to withhold from any tribunal original messages intrusted to it for transmission from one person to another. Such communication has not yet been received, and I cannot, therefore, now submit the answer which the Telegraph Company desires submitted.

"I would further respectfully inform you that the Western Union Telegraph Company has employed Mr. W. C. Webb as its attorney, and has instructed me to ask that he be permitted to appear for such company, and for me, before the investigating committee and the House of Representatives, as such attorney, to represent the views and protect the interests of said company in the matters involved in the company's protest against producing such original messages, or disclosing their contents.

"Most respectfully, etc.,

E. L. SMITH, *Manager*.

"TOPEKA, February 20."

I now respectfully submit that my said answer plainly informed the House that I had not refused to go before the investigating committee, and that it also informed the House that the Telegraph Company, under whose authority, and in whose employment, as a mere servant or agent, I had possession of any telegraph messages, desired to be heard before the House of Representatives, through me, upon the question whether this House possessed the legal power to compel the Telegraph Company itself, (or any agent or servant thereof, contrary to the company's instructions,) to produce private messages confided to its care and confidence for transmission from one person to another; and that to this end, the Telegraph Company had employed counsel, whom it desired should be allowed to appear and represent the views of the company. The questions involved in the demand of the committee for the production of any private messages, and in the desire of the Telegraph Company to resist such demand by all lawful means, are of grave importance, are not of easy solution, and ought not to be determined unless upon due examination and careful consideration. Yet this House proceeded to a final decision without a word of debate, without even considering whether the Telegraph Company or myself should be heard, and without a moment's delay. Instantly, upon reading my answer as above, Mr. Randolph, the chairman of the investigating

committee, offered the resolution first above quoted, (and which I here quote again,) and moved the previous question thereon; and said resolution was thus hastily adopted. It is as follows:

*“Resolved, That the said E. L. Smith be committed to and detained in close custody by the Sergeant-at-Arms in the Capitol during the remainder of the session, or until discharged by the further order of the House, to be taken when he shall have purged the contempt upon which he was arrested, by testifying before the committee authorized to continue the investigation, and produce the telegrams required by the summons served on him.”*

I respectfully submit that, by the hasty and inconsiderate action of the House of Representatives, I have been and now am unjustly and illegally restrained of my liberty; that I was deprived of the right of being heard in my own defense, both in person and by counsel—a right which the constitution of the State is supposed to secure to every citizen—and that I am being punished for an offense that I did not commit, and of which I have not even been legally adjudged by this House to be guilty.

*Second:* As to the business relations existing between the Western Union Telegraph Company and myself. I am a mere servant of the company, having no power, authority, or possession, with respect to any message delivered or received at the company's Topeka office, by or from any patron of the Telegraph Company, except such as is given me by my employer. I have no absolute authority or control over any such message. My possession of any message delivered or received at the Topeka office of the Telegraph Company, is the possession of the company. I am merely the agent or servant of the company, and as such am under the highest moral and legal obligations to obey the orders and observe the instructions of my employers, precisely as a merchant's or banker's clerk is bound to protect the interests, and not to disclose the secrets of his employer.

The rules and instructions promulgated for the information and guidance of the employes of the company, provide as follows:

“92. All managers and other employes are strictly prohibited from furnishing copies of original messages, or from certifying to the correctness of any message, or copy thereof, whether sent or received.

“93. When the sender or receiver of a message applies in person, he will, if known or properly identified, be permitted to see or make a copy of his dispatch for himself. When the application is in writing, the signature must be identified as the genuine signature of the person or firm

who sent it, precisely as if it were the signature of a bank check or draft. In no other case will such permission be allowed without the order of the executive officer.

"94. No original message, or duplicate of a received message, will be permitted to leave the possession of the company, except by authority of an executive officer. Whenever a manager or other employé is subpoenaed to produce messages in court, or before commissioners, he will notify the secretary of the company at once by telegraph for instructions."

Now, the subpoena served upon me to appear before the committee of which Mr. Randolph is chairman, was directed to me as "Manager Western Union Telegraph Company." That subpoena is signed by Mr. Randolph, as chairman. The committee, therefore, understood and recognized my relation to the Telegraph Company as that of a subordinate—a mere employé. The committee may not have known of the existence of the company's rules, Nos. 92, 93 and 94, above quoted; but, when the subpoena was served upon me, I telegraphed to my superior officers for instructions, as required by Rule 94, and with results as hereinbefore fully set forth. Being instructed by my employer not to produce any messages, unless by authority of an executive officer of the Telegraph Company, and recognizing the fact that all messages delivered to the Telegraph Company are in its legal possession and under its legal control, it was and is impossible for me, without its consent, and in disregard of its instructions, to produce any such messages before the investigation committee, or before any tribunal whatever, without being guilty of a gross violation of duty. I am advised, and most respectfully submit to the House, that this was and is a correct view of my duty and liability in the premises, under the settled law of England and this country applicable to the case. (See decisions of Lord Kenyon, in *Miles vs. Dawson*, 1 Espinasse, 405; *Blaeson vs. Hart-sink*, 4 Espinasse, 43; *Austin vs. Evans*, 2 Manning & Granger, 430; *Attorney General vs. Wilson*, 9 Simons, 529; *Bank of Utica vs. Hillard*, 5 Cowen, 153; *La Farge vs. La Farge Fire Ins. Co.*, 14 How. Prac. R., 30; 16 Abbott Prac. R., 160.)

*Third:* I am further advised, and most respectfully submit, that even if a servant or agent is lawfully bound in any case to produce papers, documents or messages in the legal custody of his principal, still, under the terms of the subpoena served upon me, I am not bound to produce anything, for the reason that it contains no definite and certain description of any message or

paper. The subpoena served upon me is called, in some of the resolutions above quoted, "a subpoena *duces tecum*;" and such writ is used to compel the production of certain specific papers, books, or things, known to be in existence, and which must be described with reasonable certainty in the writ. Now, the language of the writ served upon me is, that I should "attend before said committee" "to give such information" as might be in my possession, and to produce "such original telegrams as refer directly or indirectly to the late election of a United States Senator in this State, or which mention money, and which were sent from your office in Topeka, Kansas, from January 24th, 1879, to this date (17th of February, 1879,) by" [naming eight persons], "and copies of all telegrams in answer thereto by you received; also, copies of all telegrams you received during said time upon the above subject, for all the persons above named, and such other documents in your custody as may be required in the investigation of said subject."

Now, upon the form and substance of such subpoena, I respectfully submit, that said paper is wholly void as a subpoena, in this, that it does not require me to attend before the committee *and testify* as a witness. It required me to "attend and give information"—but no requirement to give information *upon oath*. I am advised that it is well settled, that "a subpoena *duces tecum*, commanding a party only to appear at a certain place and time named in the writ, and bring with him a certain book or paper, but omitting the direction *to testify*, is invalid, and the party refusing to obey it cannot be attached for contempt." (*Murray vs. Elston*, 23 N. J. Eq., 212.) And I further submit, that it is not and cannot be my province or duty in any case to judge whether any paper, document or message is, or "may be required in the investigation" being conducted by the committee, of which Mr. Randolph is chairman; that from the various forms of speech and peculiar terms employed by hundreds and thousands of persons in messages written by them for transmission by telegraph, it was and is simply impossible for me to determine whether a message delivered or received at the telegraph office relates to one subject or another; that words which would ordinarily be understood as referring to the election of a Senator, may in fact, as between the persons sending and receiving, refer to the purchase of government lands, and *vice versa*; that words and terms



which, as between the persons sending and receiving, are understood to refer to wheat, or lumber, might ordinarily refer to money, and *vice versa*. An operator or manager in a telegraph office has no right to interpret or determine the meaning or effect of any message sent from or received at his office by any patron of the company. It was and is, therefore, impossible for me, even if there were no other objections, to produce any message, and say, "This message refers to the late election of a U. S. Senator in this State;" or, "This message refers to money." I have no right to guess what the parties to a message mean, or understand, as between themselves, and say that their message "refers" to a particular subject. Nor does the subpoena command me to produce such messages or documents as the investigating committee might think referred to either subject named in the resolution; and if it had, surely it will not be contended that all the messages received and sent, numbering many thousands, and possibly relating to the most sacred family, social and personal secrets of hundreds of citizens, and to private business and political affairs wholly innocent in themselves, should be laid before such committee for their examination, in the hope and belief that they may discover among them some messages which they think may refer to "money," or to a political election.

Again: There is no designation or description in the subpoena of any message, document, or paper, by which it could be identified. Eight persons are named in the subpoena. It is assumed that they (whether jointly, or severally, is not stated,) sent original messages, at some time or times, not specified, and to some person or persons not named, between two certain dates covering a period of twenty-four days. I respectfully submit, that no judicial tribunal in the land would compel any person upon a subpoena so vague, indefinite and uncertain, to rummage through eight thousand messages, received and sent, (for that is about the aggregate number of messages transmitted to and from the Topeka telegraph office between the 24th of January and the 17th of February,) to ascertain and determine which, in his judgment, "referred" to a particular subject, and produce them in court, to be used as evidence in a controversy between parties who were wholly strangers to the messages produced, when only the parties sending or receiving the messages could rightly interpret their meaning, and tell to what they did in fact refer. I



am advised, and therefore respectfully submit, that this House could not justly or lawfully adjudge any person in contempt of its authority for refusing to comply with the requirement of a subpoena *duces tecum* purporting to command him to produce before a committee all messages, or all political messages, sent or received by one or more persons during a period of twenty-four days. (See the cases of *Jones vs. Edwards*, *McClelland & Younge*, 139; *Jackling vs. Edmunds*, 3 E. D. Smith, 545.)

Again: A court will not, upon the motion of a party, order a witness summoned under a subpoena *duces tecum*, to produce the papers mentioned in the subpoena, until it appears from his own admission, or from other conclusive evidence, that he has them under his control. (*Hull vs. Young*, 37 N. H., 134; 7 Dowling, 693.) And if not compelled to produce papers unless first sworn and examined as a witness, certainly no witness can be legally attached for contempt for not producing paper or messages indefinitely described until it is first shown by competent evidence that he has possession of and control over them.

*Fourth:* As to the right of either house of the Legislature to enter the offices of the Telegraph Company by virtue of subpoena *duces tecum*, or in any other manner, on a speculative exploration, and compel the production, and consequent exposure to the public, of personal, business, or political secrets, which have been confided to the company by its patrons upon the confidence reposed that such secrets were inviolable. And upon this branch of the case, and by direction of the Western Union Telegraph Company, I desire to submit for the consideration of the House of Representatives the views of said company.

The Telegraph Company distinctly disavows all partisan feeling or interest in the investigation ordered by the House, and which is being prosecuted before the committee appointed for that purpose. The company has no desire to hinder, defeat, or delay any investigation ordered or conducted by any tribunal, for the discovery of any illegal act against the State, or against the rights of an individual. Their objection is, that the company ought not to violate the confidence of its patrons, and that to compel it to do so would be against public policy, and most dangerous to public and private security. The senders of twenty-five millions of messages a year, entrusted to the confidence of the Telegraph Company, representing as they do the capital, the

enterprise, and the intelligence of the country in every department of human affairs, have a peculiar claim upon all departments or branches of government for protection from the seizure of their private communications, and especially from any use of them which would be liable to intensify political excitement. The Telegraph Company has therefore adopted, as a rule for the guidance of all its officers, agents, and employés, that no messages, whether original or copy, in any office of such company, shall be taken or removed from the actual possession or control of the company without the consent or direction of the company's executive committee, or of its board of directors. The sacredness of this confidence is recognized in some States by statutes prescribing penalties for a voluntary betrayal—a security which the law has not given to those ordinary communications between private parties from which analogies are drawn supposed to justify the application of the subpoena *duces tecum* to telegrams. During the period in which the law affecting them has been in process of adaptation from the law of evidence upon analagous topics, a disposition has been shown to apply to telegrams some of the considerations of public policy which impute sanctity to a letter confided to the post office, and to demand the same protection to the same communication, when confided to this *quasi* public agency, which holds a power over men's affairs, through its possession of their secrets, exceeding that which any government obtains through the mere physical custody of sealed letters. Telegraph companies naturally desire to enhance the public confidence in the safety of communications entrusted to them, and they have strenuously endeavored to establish some ground, either of entire exemption from, or of regulation of the control over the contents of their files asserted by courts and legislative bodies. These ideas find support in some respectable places, where neither the interest nor feelings of the telegrapher can be supposed to have influence.

Judge Cooley, in the last edition of his work on Constitutional Limitations, under the head of "Constitutional protection of the citizen against unreasonable searches and seizures," declares his solemn judgment that the agents of the telegraph cannot lawfully be compelled to produce the messages confided to them for transmission over their wires, under a subpoena *duces tecum*, and clearly and emphatically expresses his opinion that certain de-

cisions of some of the State courts, affirming their power to require the production of such messages, are founded upon erroneous doctrines and unsound reasoning. Speaking of one of those decisions in the Supreme Court of Maine, (*The State vs. Litchfield*, 58 Me., 267,) in which it is said that no rules of public policy forbid the courts from exercising this power, Judge Cooley says:

"The case is treated as if no other considerations were involved than those which arise in the ordinary case of a voluntary disclosure by one private person to another, without necessity. Such, however, is not the nature of the communication made to the operator of the telegraph. That instrument is used as a means of correspondence, and as a valuable, and in many cases an indispensable, substitute for the postal facilities; and the communication is made, not because the party desires to put the operator into possession of facts, but because transmission without it is impossible. It is not voluntary in any other sense than this, that the party makes it, rather than deprive himself of the benefits of this great invention and improvement. The reasons of a public nature for maintaining the secrecy of telegraphic communications, are the same which protect correspondence by mail; and, though the operator is not a public officer, that circumstance appears to us immaterial. He fulfills an important public function, and the propriety of his preserving inviolable secrecy in regard to communications, is so obvious that it is common to provide statutory penalties for disclosures.

"If, on grounds of public policy, the operator should not involuntarily disclose, why do not the same considerations forbid the courts compelling him to do so? Or, if it be proper to make him testify to the correspondence by telegraph, what good reason can be given why the postmaster should not be made subject to the process of subpoena for a like purpose, and compelled to bring the correspondence which passes through his hands into court, and open it for the purposes of evidence?

"We should suppose, were it not for the opinions to the contrary by tribunals so eminent, that the public should not be entitled to a man's private correspondence, whether obtainable by seizing it in the mails, or by compelling the operator of the telegraph to testify to it, or by requiring his servants to take from his desks his private letters and journals, and bring them into court on subpoena *duces tecum*. Any such compulsory process to obtain it, seems a most arbitrary and unjustifiable seizure of private papers; such an 'unreasonable seizure' as is directly condemned by the constitution. In England, the Secretary of State sometimes issues his warrant for opening a particular letter, where he is possessed of such facts as he is satisfied would justify him with the public; but no American officer or body possesses such authority, and its usurpation should not be tolerated." (Cooley on Constitutional Limitations, pp. 306, 307, citing May, Constitutional History, ch. 11; Todd, Parliamentary Government, vol. 1, p. 272; Broom, Constitutional Law, 615.)

The general rules of the Western Union Telegraph Company for the preservation of the confidence reposed in them by the public using their facility for telegraphic intercourse (and hereinbefore quoted), are based upon the spirit of the doctrine founded on public policy, declared in the foregoing extract from Judge Cooley's work.

The union of the telegraph and post office in England destroys strict similarity between cases rising there and here, in respects which may by some be regarded as essential; but there remains sufficient analogy to justify reference to two recent cases reported in 2 O'Malley and Hardcastle (Election Petition Reports), pp. 72, 73, 110. These were petitions containing allegations of bribery in a Parliamentary election. Mr. Justice Grove said, in the Taunton case, that the matter was one involving a great deal of difficulty on public grounds; and that in any case before the telegrams were produced there should be something limiting the examination. The petitioner desired to look at any telegrams to and from persons named in the petition; and the subpena had required the telegraph official to bring into court all messages sent to and from the town of Taunton, within certain periods named. In the Stroud case the petition named the sender and receiver, as well as the dates between which inspection was desired. Baron Bramwell, after stating that he had consulted with Judges Grove and Mellor, said:

"I have a strong impression that these documents are in the custody of her Majesty, and that you have no right to bring them here any more than a banker's clerk has a right to bring his master's ledger." . . . "I really think that, for the public good, there ought to be no such power of compelling the production of such documents. It is the necessary consequence that persons who correspond by telegram are obliged to repose confidence in the crown; and I believe it will be for the public good if it is found that that is confidence that the crown cannot be compelled to violate."

The Telegraph Company is aware that, in several instances, decisions have been made adverse to the position herein contended for. These cases, or the principal ones, are: The case of E. W. Barnes, before the lower house of Congress in January, 1877; the case of *The State vs. Litchfield*, 58 Me., 267; the case of *Henister vs. Freedman*, 2 Parson's Select Cases, 274; and the case of *National Bank vs. National Bank*, 7 West Va., 544.

In the case of Barnes, a local telegraph manager at New Or-



leans, the witness was subpoenaed to produce telegrams before a committee appointed in December, 1876, by the lower house of Congress, to investigate the alleged frauds in the Presidential election in Louisiana. Barnes declined to produce the messages. His answer was referred to the judiciary committee, and that committee, on the strength of the cases, *The State vs. Litchfield*, and *Henister vs. Freedman*, above cited, decided that the witness must produce the messages. It is believed, however, that the opinion of Judge Cooley, already quoted, and which was written as a direct reply to the arguments presented in the case from Maine, far outweighs the reasoning of the court. The cases of *Henister vs. Freedman*, and *National Bank vs. National Bank*, are no stronger than the case from Maine, and are therefore fully met and answered by the convincing reasoning of Judge Cooley.

As against the decision of the judiciary committee of the House of Representatives in Barnes's case, we may cite the opinions of Senators Conkling and Sherman in the case of Turner, a telegraph operator who was subpoenaed before a committee appointed by the United States Senate to investigate certain alleged frauds in Oregon shortly after the Presidential election of 1876. In the discussion before the Senate, as to the power and authority of the Senate to compel the witness to produce certain telegraph messages, Mr. Conkling, although interested politically in supporting the investigation then on foot, believed that an abuse of power was involved, and that a precedent dangerous to private rights would result; and Mr. Sherman said he thought there ought to be a statute defining the nature of the testimony which may be brought out in such cases, the limits within which it can be called for, and the circumstances or foundation which should be laid, before telegrams should be produced. The opinions of these eminent statesmen, and eminent lawyers as well, ought to have great weight in determining a question so momentous as that involved in the question of the power of this House to compel the Telegraph Company to open up to the whole world the secret affairs of every citizen, whether personal, business, or political.

The case of Babcock, before Judge Dillon, (3 Dil. Ct. Ct. R., 566,) has also been quoted as adverse to the claim of inviolability for telegraph messages. But this question was not raised in that case, as will appear in the opinion of Judge Dillon, page



569, where he says: "No objection is made on the ground that these messages are privileged, confidential communications; that is, the Telegraph Company does not insist that it stands in any different relation from what private persons would if they had custody of the same papers." The only question decided was, whether the subpoena *duces tecum* sufficiently described the messages. The case was decided in 1876, before the Presidential election of that year. The question of the inviolability of the confidence existing between the sender or receiver of a message and the Telegraph Company had not then been much discussed, nor much considered. Since that time, the question, by reason of the momentous interests involved in its decision, has challenged the attention of the reading public throughout Europe and America, and it is not too much to say, that careful, thoughtful, prudent men everywhere are fast reaching the conclusion that the best interests of the Government and the people demand that the seal of confidence reposed in the telegraph companies by their patrons shall not be violated.

It seems to me that the House of Representatives, upon a reconsideration of the whole subject covered by this communication, will recede from the position heretofore taken.

I am, sir, your most obedient servant, E. L. SMITH.

W. C. Webb, Attorney for E. L. Smith, and for W. U. Tel. Co.

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

E. L. Smith, being duly sworn, says that he has read the above and foregoing answer or paper signed by him; that as to the facts and matters therein stated on his personal knowledge, the said answer is true; and as to the facts and matters therein stated on information and belief, he believes to be true. E. L. SMITH.

Subscribed and sworn to before me at Topeka, this 27th day of February, 1879.

[SEAL.]

CHARLES B. SMITH, *Notary Public*.

Mr. Legate offered the following resolutions:

1. *Resolved*, That the report made to this House on the 21st of February inst., by the investigating committee, of which Hon. A. M. F. Randolph is chairman, and the paper signed by the witness E. L. Smith, just read to the House, and all other papers relating to the breach of the privilege of this House and contempt of its authority, alleged to have been committed by the

said E. L. Smith, now in the custody of the Sergeant-at-Arms of the House, under resolution adopted on the 22d inst., be referred to the Committee on Judiciary, with instructions to report as early as practicable, what action, if any, in their judgment, should be taken by the House in relation thereto.

2. *Resolved*, That the witness, E. L. Smith, be allowed to be heard in person and by counsel before the Judiciary Committee, and also before the House, if he shall deem it necessary, upon action which may hereafter be taken respecting his case.

Mr. Clapp moved the reference of the resolutions, and the paper signed by the witness, E. L. Smith, just read, to the committee on investigation.

Upon this motion, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 100; majority under the rule, 51. Yeas, 73; nays, 27; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Bishop, Bissell, Blackman, Boggs, Breyfogle, Bronson, Butts, Callen, Clapp, Clogston, Congdon, Cunningham, Donahue, Eastland, Ellison, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, Huffaker, Hutchison, Kelley, Kennedy, Leonard, Loy, Martin of Kingman, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Barber, Bower, Calvin, Clark, Cool, Corbin, Danhaur, Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hewins, Hossack, Humes, James of Shawnee, Keller, Kollock, Lawson, Legate, Martin of Labette, Randolph, Richards, Smith of Bourbon, Smith of Marshall, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Ballard, Berry, Bevins, Biddle, Blanchard, Briggs, Brinkman, Brown, Bruner, Bull, Eckles, Eggers, Faulkner, Fisler, Hamilton of Marshall, Hodge, James of Wyandotte,

Majors, Manning, McClintick, McCrumb, Rood, Stitt, Tucker, Walker, Wilson of Jackson, and Wright.

So the motion to refer to the committee on investigation prevailed.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House amendments to Senate bill No. 27, An act for the relief of R. T. Snediker, of Lyon county, Kansas, for money erroneously paid on purchase of school land.

And has indefinitely postponed the consideration of House concurrent resolution No. 20, memorializing Congress to repeal the limited silver-coinage law of Congress, and for the repeal of the national banking law.

And has also passed House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Hewins, at 12:30 P. M., the House adjourned.

#### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 27, 1879. }  
2 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentleman present: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greifenstein, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Kollock, Lawson, Leonard,

Loy, Majors, Manning, Martin of Kingman, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rice, Richards, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Albin, Baker, Berry, Bevins, Bishop, Briggs, Brown, Bruner, Eastland, Eggers, Gable (Frank M.), Hall, Hamilton of Marshall, Hewins, Hossack, Hutchison, Keller, Legate, Martin of Labette, McClintick, McMillen, Randolph, Rath, Raybell, Riggs, Seaton, Taylor, Towle, Watson, White, Wilson of Jackson, and Woodard.

Quorum present.

Mr. Clark moved that the rules be suspended, and that the House proceed with the third reading of bills. The motion did not prevail.

Mr. Clapp moved that the communication presented by Mr. E. L. Smith, and the resolutions offered by Mr. Legate, be referred to the committee on investigation; upon which the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 100; majority under the rule, 51. Yeas, 73; nays, 27; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Bishop, Bissell, Blackman, Boggs, Breyfogle, Bronson, Butts, Callen, Clapp, Clogston, Congdon, Cunningham, Donahue, Eastland, Ellison, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, Huffaker, Hutchison, Kelley, Kennedy, Leonard, Loy, Martin of Kingman, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Barber, Bower, Calvin, Clark, Cool, Corbin, Danhaur, Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hewins, Hossack, Humes, James of Shawnee, Keller, Kollock, Lawson, Legate, Martin of Labette, Ran-



dolph, Richards, Smith of Bourbon, Smith of Marshall, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Ballard, Berry, Bevins, Biddle, Blanchard, Briggs, Brinkman, Brown, Bruner, Bull, Eckles, Eggers, Faulkner, Fisler, Hamilton of Marshall, Hodge, James of Wyandotte, Majors, Manning, McClintick, McCrumb, Rood, Stitt, Tucker, Walker, Wilson of Jackson, and Wright.

The motion prevailed, and the documents were so referred.

#### INTRODUCTION OF BILLS.

Mr. Biddle introduced House bill No. 411, An act for the relief of persons herein named, which was read the first time, and by unanimous consent read the second time, and referred to the Committee on Municipal Indebtedness.

Mr. Albin introduced House bill No. 412, An act to authorize the School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental funds to assist in the erection of a school house, which was read the first and second time, and referred to Committee on Educational Institutions.

#### REPORTS OF STANDING COMMITTEES.

Mr. Wait, of Lincoln, chairman of the Committee on Apportionment, submitted the following report:

MR. SPEAKER: Your Committee on Apportionment, to whom was referred House bill No. 410, An act to amend section 1 of an act providing for the apportionment of the State of Kansas into three Congressional districts, approved March 4, 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

W. S. WAIT, *Chairman.*

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 204, An act authorizing the Board of County Commissioners of Franklin county to make a donation out of surplus funds for the construction of a railroad, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and



Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

House concurrent resolution No. 39, granting permission to the Masonic grand bodies, and to the Grand Lodge and the Grand Encampment of Odd Fellows of the State, to hold their annual or regular sessions in the Senate chamber or in the hall of the House of Representatives, was called up, and on motion of Mr. Price adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 164, An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State.

HENRY BRANDLEY, *Secretary*.

#### COMMUNICATION FROM STATE OFFICERS.

The following communication from the State officers accompanied Senate bill 164:

OFFICE OF THE AUDITOR OF STATE, }  
TOPEKA, KAS., Feb. 24, 1879. }

*Hon. Sidney Clarke, Speaker of the House of Representatives:*

SIR: Section 1 of chapter 180 of the Session Laws of 1872 provides, among other things, that the State officers "shall mention all the apparent defects, inconsistencies, omissions, unequal laws which they shall severally discover, for the purpose of enabling the Legislature to make such amendments as will tend to perfect the statute laws of the State."

In pursuance of the foregoing provisions, we would respectfully call the attention of the Legislature to chapter — of the report

of the Committee on Revision, embodying a proposed act, entitled "An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State." We have severally examined the act mentioned, and would respectfully suggest that the passage of said act, with the modifications and amendments which the wisdom of the Legislature may suggest, would be an advantage to the State and a great assistance to the several State departments.

We have the honor to be, very respectfully, your obedient servants,

JOHN P. ST. JOHN, *Governor.*

JAMES SMITH, *Secretary of State.*

P. I. BONEBRAKE, *Auditor of State.*

JOHN FRANCIS, *State Treasurer.*

ALLEN B. LEMMON, *Supt. of Pub. Inst.*

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

Also, Senate bill No. 77, An act to enable the Board of County Commissioners of Coffey county, Kansas, to purchase the Leroy bridge.

And has amended House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, by inserting in their proper place, the names of William V. Ellis, of Montgomery county, and C. W. Webster, of Ottawa county, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary.*

#### COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole, for the consideration of bills on the calendar, which motion prevailed.

☛ The House went into committee of the whole, with Mr. Bissell in the chair.

After some time spent in discussion therein the committee of

the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House bill No. 143, An act to amend section 8 of chapter 93 of the Laws of 1875, entitled "An act regulating the salaries of county treasurers," approved March 1, 1875, with the recommendation that the enacting clause be stricken out.

House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, with the recommendation that it be passed over, and retain its place on the calendar.

House bill No. 54, An act relating to foreign insurance companies doing business in this State, with the recommendation that it be passed.

House bill No. 158, An act to amend section 2, chapter 26 of the General Statutes, entitled "An act concerning the location and removal of county seats," with the recommendation that the accompanying substitute therefor be passed.

House bill No. 57, An act to amend section 3 of chapter 34 of the Session Laws of 1876, being an act entitled "An act to provide for the assessment and collection of taxes," with the recommendation that it be passed.

Substitute for House bill No. 113, An act to amend section 6, chapter 122 of the Session Laws of 1876, being an act entitled "An act for the regulation and support of common schools," with the recommendation that it be passed as amended by the committee.

The committee instruct me to report progress, and ask leave to sit again.

JOHN BISSELL, *Chairman.*

On motion, the report was adopted.

Mr. Anderson, of Cherokee, moved to reconsider the vote by which the communication from E. L. Smith, and the papers in relation thereto, were referred to the investigating committee.

Mr. Stumbaugh moved to lay the motion on the table; upon which motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 110; majority under the rules, 56. Yeas, 58; nays, 52; absent or not voting, 19.

Gentlemen voting in the affirmative were: Messrs. Albin,

Alexander, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bishop, Bissell, Callen, Clapp, Clogston, Congdon, Eastland, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hamilton of Norton, Helmick, Henderson, Huffaker, Hutchison, James of Wyandotte, Kelley, Kennedy, Loy, Majors, Martin of Miami, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Raybell, Rice, Sallee, Scott, Selover, Spilman, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Ballard, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hartshorne, Hewins, Hossack, Humes, James of Shawnee, Keller, Kollock, Lawson, Legate, Leonard, Manning, Martin of Labette, Price, Richards, Robb, Rood, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Berry, Bevins, Brinkman, Bull, Butts, Eggers, Farris, Hankins, Hodge, Martin of Kingman, McClintick, McCrumb, McMillen, Parsons, Riggs, Walker, Wilson of Jackson, and Wright.

So the motion to lay on the table prevailed.

Mr. Humes moved that the House adjourn.

The motion prevailed, and at 5:15 o'clock the House adjourned.

---

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
 TOPEKA, KANSAS, February 27, 1879. }  
 7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle,



Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Berry, Bevins, Clapp, Eggers, McClintick, McMillen, Richards, and Wilson of Jackson. Quorum present.

#### PRESENTATION OF PETITIONS.

By Speaker Clarke: Of Drusilla Wilson and others, of Miami county, asking for an entire prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Helmick: Of H. H. Angell and 161 others, citizens of Cherokee and Crawford counties, Kansas, asking for the passage of the bill appropriating money to the Neutral Land Defense Committee. Referred to the Committee on Ways and Means.

By Mr. Martin, of Labette: In reference to the herd law in Labette county. Referred to the Committee on Agriculture.

By Mr. Martin, of Labette: Of citizens of Labette county, praying for a reduction of passenger rates on railroads to three cents per mile. Referred to the Committee on Railroads.

#### APPOINTMENTS.

The Speaker announced the following appointments:

By authority vested in me, I hereby appoint Mrs. R. N. Hebbard Ninth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,  
*Speaker of the House.*

Mrs. Hebbard came forward, took and subscribed the following oath of office:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and will faithfully and impartially discharge the duties of Ninth Assistant Enrolling Clerk of the House of Representatives. So help me God. (Signed) MRS. R. N. HEBBARD.

Subscribed and sworn to before me, this 27th day of February, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

I also appoint Miss Hattie Johnston Tenth Assistant Enrolling Clerk.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Johnston then came forward, took and subscribed the following oath of office, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully perform the duties of Tenth Assistant Enrolling Clerk of the House of Representatives. So help me God.

(Signed) HATTIE JOHNSTON.

Subscribed and sworn to before me, this 27th day of February, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

I also appoint Miss Jennie Wallace Eleventh Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Jennie Wallace subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of Eleventh Assistant Enrolling Clerk of the House of Representatives. So help me God.

(Signed) JENNIE WALLACE.

Subscribed and sworn to before me, this 27th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

I also appoint Miss Jennie Shoemaker Eighth Assistant Engrossing Clerk.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Shoemaker subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of Eighth Assistant Engrossing Clerk of the House of Representatives. So help me God.

(Signed)

JENNIE SHOEMAKER.

Subscribed and sworn to before me, this 27th day of February,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

#### CONSIDERATION OF MESSAGES FROM THE SENATE.

The following Senate bills were read the first and second time, and referred to the committee of the whole House:

Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

Senate bill No. 77, An act to enable the Board of County Commissioners of Coffey county, Kansas, to purchase the Leroy bridge.

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund.

Senate bill No. 104, An act to amend section 127, article 18, relating to collection of taxes.

Mr. Clark moved that the rules be suspended, and that substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of

the lands of the State University, be placed on the calendar for third reading. The motion did not prevail. Ordered referred to the committee of the whole House.

Mr. Congdon moved that House bill No. 198, An act providing for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872, and Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872, be referred to a special committee of five, with instructions to report at an early day a bill covering the differences between the bills mentioned. The motion did not prevail.

#### REPORTS OF STANDING COMMITTEES.

Mr. Seaton, chairman of the Committee on Manufactures, submitted the following reports:

MR. SPEAKER: Your Committee on Manufactures, to whom was referred House bill No. 62, An act amendatory of section 6, chapter 65 of the General Statutes of the State of Kansas for 1868, entitled "An act relating to mills and milling," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

JOHN SEATON, *Chairman*.

MR. SPEAKER: Your Committee on Manufactures, to whom was referred House bill No. 373, An act relating to liens of employés at manufacturing establishments, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected, for the reason that there is already a law on the statute book of 1872 covering this subject.

JOHN SEATON, *Chairman*.

Mr. Loy, chairman of the Committee on Agriculture, submitted the following report:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred House bill No. 376, An act to provide for locating and establishing and constructing ditches, drains and water-courses in townships, have had the same under consideration, and



instruct me to report the bill back to the House with the recommendation that it be rejected, for the reason that a bill of similar nature has been favorably reported by this committee.

J. W. LOY, *Chairman*.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred Senate bill No. 79, An act to repeal an act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

JOHN S. GILMORE, *Chairman*.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 61, An act for the relief of defaulting purchasers of school lands, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 157, An act relating to State and county roads, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when insolvent or in a failing condition,

have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 155, An act to amend section 4 of the Laws of 1872, entitled "An act to incorporate cities of the second class," and repeal former acts, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county to issue bonds to pay county indebtedness.

House bill No. 9, An act to repeal chapter 115 of the Laws of 1877, entitled "An act regulating the salary of the County Attorney of Neosho county, Kansas."

House bill No. 19, An act to amend section 1 of chapter 77 of the Laws of 1877.

House bill No. 4, An act fixing the time for the holding of terms of court in Clay county.

House bill No. 14, An act to permit the county of Lincoln, in the State of Kansas, and the townships in said county, to build bridges across the Saline river, in said county.

House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate portions thereof.

HENRY BRANDLEY, *Secretary*.

By unanimous consent, Mr. Martin, of Kingman, introduced House bill No. 413, An act to establish a State road from Nickerson, Reno county, to Kingman, Kingman county, Kansas, which was read the first and second time, and referred to the committee of the whole House.

Mr. Eastland gave notice that, at the proper time, he would move to reconsider the vote by which House bill No. 165, An act providing for the punishment of bank officers, for the recep-

tion of deposits or the creation of debts when insolvent or in a failing condition, failed to pass.

Mr. Smith, of Marshall, offered House concurrent resolution No. 40, in relation to adjournment *sine die*, which was laid over under the rules.

#### SPECIAL ORDER.

The hour of 7:30 P. M. having arrived, the House went into committee of the whole, with Speaker *pro tem*. Price in the chair, for the consideration of the special order—substitute for House bill No. 77.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas for the purpose of liquidating the indebtedness of the State assumed February 17, 1869, for the Price raid claims of 1864, and the Indian expedition under Major General Curtis in July and August, 1864, and have made sundry amendments thereto; pending the consideration of which the committee arose.

J. M. PRICE, *Chairman*.

On motion, the report of the committee was adopted.

Mr. Legate moved that the bill, with the amendments, be printed, and made the special order for next Tuesday at 7:30 o'clock P. M.

Mr. Manning moved to lay the motion on the table, which motion did not prevail.

The motion to make it a special order did not prevail.

By unanimous consent, the bill, as amended, was ordered to be placed on the calendar for a third reading, subject to amendment and debate.

#### RESOLUTION OF CONDOLENCE.

By consent, Speaker Clarke offered the following resolutions:

*Resolved*, That we have learned, with feelings of profound regret, of the death of Isaac Franklin Bevins, son of Hon. George T. Bevins, a member of this House from the Tenth District, Leavenworth county.

*Resolved*, That we extend to Mr. Bevins, and to his afflicted

family, our sincere sympathy in their great affliction; and that a certified copy of these resolutions be forwarded by the Chief Clerk to Mr. Bevins.

The resolutions were unanimously adopted.

Mr. Biddle offered House concurrent resolution No. 41, indorsing the action of Congress in relation to the Chinese immigration subject. Laid over under the rules.

#### REPORT OF STANDING COMMITTEE.

By consent, Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. —, An act for the relief of certain persons therein named, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, and that it be placed on the calendar for a third reading on the 28th inst.

E. C. MANNING, *Chairman.*

The report was agreed to.

By consent, Mr. Danhaur introduced House bill No. 414, An act to vacate a portion of the town site of the city of Lyndon, Osage county, Kansas, which was read a first and second time, and referred to the Committee on Roads and Highways.

By consent, House bill No. 201, An act making an appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, 1880, and June 30, 1881, was referred to the Committee on Ways and Means.

By consent, House bill No. 168, An act relating to deeds and conveyances, was considered engrossed, and ordered to a third reading.

By consent, Mr. Sallee introduced House bill No. 415, An act conferring the rights of majority on Julius Elbert Long, a minor, which was read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Smith, of Marshall, at 10:30 o'clock P. M., the House adjourned.

WIRT W. WALTON, *Chief Clerk.*



## THIRTY-FIFTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 28, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Barber, Barrackman, Beaty, Bevins, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clark, Congdon, Cool, Corbin, Cunningham, Dannahur, Eckles, Ellison, Ewing, Farris, Fisler, Games, Gillespie, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Robb, Rood, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Berry, Biddle, Blackman, Clapp, Clogston, Donahue, Eastland, Eggers, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Greever, Henderson, Hosack, Humes, Hutchison, Kelley, Kennedy, Legate, Martin of Kingman, McClintick, Richards, Riggs, Sallee, Seaton, Spilman, Watson, Wilson of Jackson, and Wright.

Quorum present.

Pending the reading of the journal of yesterday, on motion the further reading thereof was dispensed with.

Mr. Callen moved that the House proceed to a third reading of bills, which motion did not prevail.

## QUESTION OF PRIVILEGE.

Mr. Hartshorne arose to a question of privilege, and offered the following resolution:

*Resolved*, That the chairman of the committee on investigation be authorized and empowered to employ sufficient clerical assistance to enable him to supply to each member of said committee a full and correct copy of all testimony taken before said committee, as the investigation progresses; and it is hereby made his duty to cause to be furnished to the said members of the committee such copies at the earliest practicable period, for their examination and consideration.

Mr. Manning moved, as an amendment, that clerks of committees now in the employ of the House be assigned to such duty. The amendment was accepted.

On motion, the resolution was adopted.

Mr. Legate moved that the rules be suspended, and that the Chief Clerk recall from the Senate, House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, for the further action of the House. The motion prevailed.

## PRESENTATION OF PETITIONS.

The following petitions were presented, and referred to appropriate committees:

By Mr. Breyfogle: Of citizens of Johnson county, praying for the passage of a more restrictive dramshop law. Referred to the Committee on Temperance.

By Mr. Eckles: Of citizens of Rice county, praying for an amendment to the dramshop act. Referred to the Committee on Temperance.

## REPORTS OF STANDING COMMITTEES.

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the petition of W. H. Clark and 69 others, praying for an appropriation for the Northeast Normal School, at Pardee, Kansas, have had the same under consideration, and instruct me to report the petition back to the House with the recommendation that it be rejected. C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 420, An act for the relief of James F. Cooper, County Treasurer of Mitchell county, State of Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, as amended by the joint Committee on Ways and Means.

C. E. FAULKNER, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 371, An act to legalize the acts of the School Board of District No. 13, Linn county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 342, An act authorizing Burlington township, Coffey county, Kansas, to issue bonds to re-fund the indebtedness of said township, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 320, An act to amend section 16, article 14 of chapter 122 of the Laws of 1876, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 293, An act to amend an act entitled "An act in relation to roads and highways," approved March 7, 1874, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 351, An act to establish a more just rate of compensation for the services of the executive and judicial

officers of the State of Kansas, and to conform such compensation to the specie standard of the present time, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 371, An act to legalize the acts of the School Board of School District No. 13, Lyon county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 126, An act in relation to costs in actions for libel and slander, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 258, An act relating to St. Vincent's Orphan Asylum, under the charge of St. Mary's Female Academy, conducted by the Sisters of Charity of St. Paul, Leavenworth, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

S. A. RIGGS, *Chairman*.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor, and read:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that House bill No. 204, being "An act authorizing the Board of County Commissioners of Franklin county to make a donation for railroad purposes," has this day been approved.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, Feb. 24, 1879.

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that House bill No. 196, being "An act to authorize and empower the county of Leavenworth and cities of the first class to take up and re-fund their railroad bonded indebtedness, and



to repeal chapters 88 and 123 of the Session Laws of Kansas of 1877," has this day been approved.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, Feb. 24, 1879.

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that House bill No. 60, being "An act to regulate the practice of medicine in the State of Kansas," and substitute for House bill No. 138, "An act to authorize and empower the county of Douglas to take up and re-fund its railroad bonded indebtedness," have this day been approved.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, Feb. 27, 1879.

Mr. Lawson moved that House bill No. 305, An act to amend section 76, article 8, chapter 92, Statutes of 1868, be made the special order for next Saturday at 10 o'clock A. M. The motion did not prevail.

Mr. Morgan moved that House bill No. 305, An act to amend section 76, article 8 of chapter 92 of the Statutes of 1868, be ordered to a third reading, subject to amendment and debate. The motion did not prevail.

Mr. Price moved that the rules be suspended, and that substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose, be made the special order for Tuesday at 10:30 o'clock A. M.

Mr. Legate moved as an amendment that all appropriation bills be made the special order for 2 o'clock P. M. of each day, beginning next Monday, and that bills be considered in the order in which they appear on the calendar. The amendment prevailed.

Mr. Humes moved that hereafter all evening sessions be devoted to the consideration of "general orders," excepting appropriation bills. The motion prevailed.

Mr. Hall moved to reconsider the vote by which the last order was made. The motion did not prevail.

Mr. Blanchard moved that House bill No. 173, An act to au-

thorize Oswego township, in Labette county, to take up and cancel its outstanding bonds, and to issue other bonds for such purpose, and to provide for the payment of the same, and House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county, be considered engrossed, and placed on the calendar for a third reading. The motion did not prevail.

Mr. Manning moved that House concurrent resolution No. 41, requesting the President of the United States to sign the Chinese bill, be considered now. The motion did not prevail.

### THIRD READING OF BILLS.

House bill No. 159, An act to provide for the building and repairing of bridges in counties having 25,000 inhabitants or more, was read the third time.

On motion, section 1 was amended so as to read: "It shall be the duty of the boards of county commissioners of the different counties of this State to determine what bridges shall be built and repaired at the expense of the county, and what bridges at the expense of the township." Section 15 was amended by inserting, "section 13, chapter 16, General Statutes of 1868, is hereby repealed." Section 16 was amended so as to read: "This act shall take effect and be in force from and after its publication once in the Leavenworth Daily Press."

The title was amended so as to read: "An act to amend section 13 of chapter 16 of the General Statutes of 1868, to provide for building and repairing bridges."

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 67; nays, 38; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Biddle, Blackman, Bower, Briggs, Brinkman, Bronson, Butts, Callen, Clogston, Danhaur, Donahue, Eckles, Ewing, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Henderson, Hewins, Hodge, Hossack, Huffaker, James of Wyandotte, Kennedy, Legate, Leonard, Miller, Moore, Parsons, Price, Rath, Raybell, Rice, Richards, Riggs, Sallee, Scott, Seaton, Selover, Shaw, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor,

Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Blanchard, Breyfogle, Bull, Calvin, Clark, Cool, Corbin, Cunningham, Eastland, Ellison, Farris, Gillespie, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Humes, Keller, Kollock, Lawson, Loy, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, Myers, Prunty, Robb, Rood, Smith of Bourbon, Smith of Marshall, Wait of Lincoln, Wilson of Nemaha, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Berry, Bevins, Bishop, Bissell, Boggs, Brown, Bruner, Clapp, Congdon, Eggers, Gable (Thos. P.), Greiffenstein, Helmick, Hutchison, James of Shawnee, Kelley, Majors, Martin of Kingman, McClintick, McMillen, Morgan, Randolph, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Robb moved that the House adjourn.

The motion prevailed, and at 12:20 the House adjourned.

---

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 28, 1879. }  
2 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bull, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Farris, Gable (Thos. P.), Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Huffaker,

Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Barber, Bevins, Briggs, Brinkman, Brown, Bruner, Butts, Callen, Clark, Cunningham, Eckles, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hewins, Hossack, Hutchison, Majors, Manning, McMillen, Smith of Bourbon, Stumbaugh, Wait of Lincoln, Watson, Wilson of Jackson, and Wright.

Quorum present.

By consent, leave of absence was granted to Sergeant-at-Arms Higgins until to-morrow at 2 P. M., and to Second Assistant Doorkeeper Donahue indefinitely.

Leave of absence was granted to Messrs. Barrackman, Games, Eckles, Henderson, Price, and Wait of Linn, until 3 o'clock P. M., Monday; to Mr. Ritchie until to-day at 3 P. M.; and to Mr. McMillen, on account of illness.

On motion of Mr. Robb, the clerk of the Committee on Claims was allowed pay for three days' services.

Senate bill No. 164, An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State, was taken up, and on motion referred to the Committee on State Affairs.

By consent, Mr. Bronson, chairman of the Committee on Educational Institutions, submitted the following report:

MR. SPEAKER: Your Committee on Educational Institutions, to whom was referred House bill No. 412, An act to authorize the School Board of School District No. 94, in Butler county, Kansas, to use the surplus of its teachers' and incidental funds to assist in the erection of a school house, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

D. M. BRONSON, *Chairman*.



## THIRD READING OF BILLS.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 72; nays, 12; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Baker, Barber, Barrackman, Biddle, Bissell, Blanchard, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, Humes, Kelley, Kennedy, Lawson, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Rice, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, and Woodard.

Gentlemen voting in the negative were: Messrs. Armstrong, Blackman, Gillespie, Kollock, Legate, Prunty, Rath, Riggs, Robb, Sallee, Tallman, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Ballard, Beaty, Berry, Bevins, Bishop, Boggs, Bower, Briggs, Brinkman, Calvin, Clapp, Clark, Corbin, Eckles, Eggers, Ellison, Greever, Greiffenstein, Hall, Hamilton of Marshall, Henderson, Hossack, Hutchison, James of Shawnee, James of Wyandotte, Keller, Leonard, Majors, Manning, McClintick, McMillen, Price, Randolph, Raybell, Richards, Rood, Smith of Bourbon, Stewart, Tucker, Wait of Lincoln, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, was read the third time, and, by unanimous consent, was amended so as to include

cities of the second class. (The title then was amended to conform to the provisions of the bill.)

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 65. Yeas, 80; nays, 17; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Barber, Beaty, Bissell, Boggs, Bower, Briggs, Bull, Butts, Callen, Calvin, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Miami, McCrumb, McKay, Miller, Moore, Myers, Parsons, Prunty, Rath, Robb, Rood, Seaton, Selover, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Tucker, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Breyfogle, Bronson, Bruner, Gilmore, Godfrey, Greever, Hewins, Hutchison, James of Shawnee, James of Wyandotte, Martin of Labette, Sallee, Shaw, Stewart, Tallman, and Watson.

Gentlemen absent or not voting were: Messrs. Ballard, Barrackman, Berry, Bevins, Biddle, Bishop, Blackman, Blanchard, Brinkman, Brown, Clapp, Eckles, Eggers, Greiffenstein, Hall, Hamilton of Marshall, Hodge, Manning, McClintick, McMillen, Morgan, Price, Randolph, Raybell, Rice, Richards, Riggs, Scott, Smith of Bourbon, Spilman, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 95; nays, 0; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Greever, Hall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Randolph, Rath, Rice, Riggs, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Berry, Bevins, Biddle, Briggs, Brinkman, Brown, Clogston, Eastland, Eckles, Eggers, Gillespie, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hutchison, Kennedy, Leonard, Manning, Martin of Kingman, McMillen, Price, Prunty, Raybell, Richards, Robb, Rood, Shaw, Wait of Lincoln, Wait of Linn, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bills Nos. 161, 37 and 315, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas; of George S. Green, a Notary Public in and for Riley county, Kansas, and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas, was read the third time.

On motion of Mr. James, of Shawnee, the bill was amended by inserting the words, "and J. M. Sheafor, a Notary Public of Shawnee county."

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 95; nays, 0; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Greever, Hall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Randolph, Rath, Rice, Riggs, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Berry, Bevins, Biddle, Briggs, Brinkman, Brown, Clogston, Eastland, Eckles, Eggers, Gillespie, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hutchison, Kennedy, Leonard, Manning, Martin of Kingman, McMillen, Price, Prunty, Raybell, Richards, Robb, Rood, Shaw, Wait of Lincoln, Wait of Linn, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended by inserting "J. M. Sheafor, a Notary Public in and for Shawnee county," was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Legate entered a motion to reconsider the vote by which House bill No. 201, An act making appropriation for the Kansas State Horticultural Society, for the fiscal years ending June 30, 1880, and June 30, 1881, passed.

By consent, the special order set for 3 o'clock P. M. was postponed until 10 o'clock A. M. to-morrow.



## MESSAGES FROM THE SENATE.

The following messages were received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House amendments to Senate joint resolution No. 2, amending section 1 of article 11 of the constitution of the State of Kansas, relating to property exempt from taxation.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has amended House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city, by striking out in section 3, the words "Daily Commonwealth," and inserting in lieu thereof, the words "Atchison Champion."

Has also amended substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, by striking out, in section 1, the following language: "On all sums that exceed one thousand dollars, and two and one-half per cent. on all sums that exceed such amount;" and amend section 2, in line twelve, by inserting the word "thereafter" after the word "year." Also amended section 2 by adding to section 2 the following words, "or school-district bonds of the State of Kansas;" and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to return to the House, at its own request, House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of a railroad company.

HENRY BRANDLEY, *Secretary*.

Substitute for House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties, was taken up for consideration.

Mr. Legate moved the previous question on the final passage of the bill. The motion prevailed.

The bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 108; constitutional majority, 65. Yeas, 48; nays, 60; absent or not voting, 21.

Gentlemen voting in the affirmative were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Ballard, Biddle, Bishop, Boggs, Briggs, Butts, Callen, Clapp, Clark, Corbin, Donahue, Ewing, Gable (Thos. P.), Greever, Hall, Hamilton of Norton, Henderson, Hewins, Hossack, Huffaker, James of Wyandotte, Keller, Kennedy, Lawson, Majors, Manning, Martin of Miami, McClintick, Miller, Prunty, Randolph, Rath, Scott, Selover, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Tucker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Armstrong, Baker, Barber, Beaty, Berry, Bissell, Blackman, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Calvin, Clogston, Congdon, Cool, Danhaur, Eastland, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Hartshorne, Hankins, Helmick, Hodge, Humes, James of Shawnee, Kelley, Kollock, Legate, Loy, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Raybell, Rice, Riggs, Robb, Sallee, Seaton, Shaw, Spilman, Tallman, Towle, Waite of Pawnee, Walker, Watson, and White.

Gentlemen absent or not voting were: Messrs. Barrackman, Bevins, Blanchard, Brinkman, Cunningham, Eckles, Eggers, Ellison, Greiffenstein, Hamilton of Marshall, Hutchison, Leonard, Martin of Kingman, Martin of Labette, Parsons, Price, Richards, Rood, Smith of Bourbon, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority failing to vote for the bill, the bill did not pass.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 2, An act to authorize and empower school districts in cities of the first and second class to compromise their indebtedness.

Senate bill No. 5, An act authorizing the appointment of stenographers for the district courts of the State of Kansas, and fixing their compensation.

Senate bill No. 89, An act to amend section 184 of chapter 25 of the General Statutes of 1868.

Senate bill No. 92, An act to amend chapter 74 of statutes of 1873.

Senate bill No. 104, An act to amend section 127, article 18, relating to collection of taxes.

HENRY BRANDLEY, *Secretary*.

### THIRD READING OF BILLS RESUMED.

House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, and Lane counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 73; nays, 19; absent or not voting, 37.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Beaty, Berry, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Clark, Clogston, Corbin, Danhaur, Donahue, Eastland, Ellison, Ewing, Farris, Faulkner, Games, Gilmore, Hamilton of Norton, Hankins, Henderson, Hodge, Huffaker, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Legate, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McMillen, Miller, Myers, Prunty, Rath, Rice, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, Walker, Watson, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Ballard, Bishop, Blackman, Blanchard, Boggs, Cool, Gable (Frank M.), Gillespie, Greever, Hewins, Humes, Keller, McKay, Moore, Seaton, Stitt, White, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Bevins, Biddle, Bissell, Calvin, Clapp, Congdon, Cunningham, Eckles, Eggers, Fisler, Gable (Thos. P.),

Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hossack, Hutchison, James of Wyandotte, Leonard, Martin of Kingman, McClintick, McCrumb, Morgan, Parsons, Price, Randolph, Raybell, Richards, Rood, Stewart, Tucker, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was amended, on motion of Mr. Waite, of Pawnee, as follows: "An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, Lane, Buffalo, Foote, Meade, Scott, Sequoyah, Arapahoe, Seward, Wichita, Kearney, Grant, Stevens, Greeley, Hamilton, Stanton, Kansas, Cheyenne, and Sherman counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof." The title, as amended, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bills Nos. 206, 224 and 326, An act to vacate streets, avenues and alleys in the town of St. George, and its addition, Pottawatomie county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 81; constitutional majority, 65. Yeas, 81; nays, 0; absent or not voting, 48.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Butts, Callen, Clogston, Congdon, Cool, Corbin, Danhaur, Eastland, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Huffaker, James of Shawnee, Keller, Kelley, Kollock, Lawson, Legate, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Myers, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Barrackman, Berry, Bevins, Biddle, Bishop, Brown, Bruner, Bull, Calvin, Clapp,



Clark, Cunningham, Donahue, Eckles, Eggers, Ellison, Farris, Fisler, Games, Greever, Hamilton of Marshall, Henderson, Hossack, Humes, Hutchison, James of Wyandotte, Kennedy, Leonard, Martin of Kingman, McClintick, Moore, Morgan, Parsons, Price, Randolph, Richards, Rood, Stewart, Stitt, Stumbaugh, Tucker, Wait of Lincoln, White, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By unanimous consent, House bill No. 233, An act to authorize James A. Gillett to build a mill-dam across Lyon's creek, in Dickinson county, Kansas, was withdrawn.

Substitute for House bill No. 118, An act conferring the rights of majority on certain persons, was taken up.

The bill was read, and on motion was amended by extending its provisions to include William Twist, of Clay county; Solomon Keim, of Franklin county; Horace G. Kyle, of Marion county; James P. Kramer, of Washington county; Wade H. Thompson, of Labette county; Daniel Davis, of Neosho county; Robert J. Weisbaugh, of Marshall county; Francis Smith, of Labette county; James Elburt Long, of Jewell county; Asa Kelley, of Brown county; Andrew Greene, of Phillips county; and George A. Rogers, of Dickinson county.

The bill, thus amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 99; constitutional majority, 65. Yeas, 83; nays, 16; absent or not voting, 30.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Bishop, Bissell, Blackman, Boggs, Bower, Butts, Callen, Calvin, Clogston, Congdon, Cool, Danhaur, Donahue, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMil-

len, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Seaton, Selover, Smith of Marshall, Spilman, Stitt, Tallman, Taylor, Wait of Lincoln, Watson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Bronson, Bruner, Bull, Godfrey, Hamilton of Norton, Helmick, Legate, Miller, Shaw, Smith of Bourbon, Stewart, Stumbaugh, Tucker, Waite of Pawnee, and White.

Gentlemen absent or not voting were: Messrs. Barrackman, Berry, Bevins, Biddle, Blanchard, Breyfogle, Briggs, Brinkman, Brown, Clapp, Clark, Corbin, Cunningham, Eastland, Eckles, Eggers, Ellison, Kennedy, Leonard, Martin of Kingman, Price, Randolph, Richards, Rood, Scott, Towle, Wait of Linn, Walker, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended by inserting the names of those persons added to the body of the bill, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privilege reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Neosho county," have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 14, An act to permit the county of Lincoln, in the State of Kansas, and the townships in said county, to build bridges across the Saline river, in said county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 165, An act for the relief of Geo. R. Sommers, of Marshall county, Kansas.

Senate bill No. 163, An act to authorize the township of Blue Rapids city, in Marshall county, Kansas, to issue bonds to protect roads and bridges in said township.

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund.

Senate bill No. 111, An act authorizing the Board of County Commissioners of Kingman county to issue bonds to fund its outstanding indebtedness.

Senate bill No. 49, An act to amend an act entitled "An act defining the boundaries of counties."

HENRY BRANDLEY, *Secretary*.

Substitute for House bill No. 11, An act changing the names of A. C. Strech, Henry Frundlick, Renie LeBlanc, Andrew J. VanValkenburg, Phillip Wenzell, Frank Woodforth, Arletta Gillen, Wood Gillen and Grace Gillen, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 90; nays, 4; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Barber, Beaty, Biddle, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bull, Butts, Callen, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Ewing, Fisler, Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hossack, Huffaker, Hutchinson, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Loy, Majors, Manning, Martin of LaBette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Riggs,

Robb, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clogston, Kennedy, Wait of Lincoln, and White.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Baker, Ballard, Barrackman, Berry, Bevins, Bishop, Brinkman, Bruner, Blanchard, Calvin, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Gable (Frank M.), Gilmore, Greiffenstein, Henderson, Humes, Leonard, Martin of Kingman, McMillen, Price, Randolph, Rice, Richards, Rood, Sallee, Shaw, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 120, An act removing the political disabilities of Robert N. Smith, S. J. Adkins, J. B. Brooks, Jacob Acker, Frank Mastin, John Trout, W. P. Barley, T. B. Campbell, J. F. Martin, M. S. Ely, J. H. Trout, A. J. Gardenline, B. F. Ferguson, S. D. Leslie, S. K. Hancock, J. M. Peters, T. W. Walker, Ignatius B. Walker, J. B. Cannon, Thomas B. Ball, R. J. Routon, J. G. Bowers, W. B. Roper, S. W. Lard, A. L. Duncan, J. C. Byrd, and W. C. Adams, was called up, and by unanimous consent, amended as follows: Add the names of Stephen A. Underdown, Joseph K. P. Carr, H. H. Hagar, Andrew J. Hughes, A. J. Drake, Andrew G. Wallace, and Wm. Pack.

The bill, as amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 86. Yeas, 96; nays, 1; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Ellison, Ewing, Fisler, Gable



(Thos. P.), Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. White voted in the negative.

Gentlemen absent or not voting were: Messrs. Ballard, Barackman, Bevins, Biddle, Briggs, Brinkman, Clapp, Clark, Clogston, Corbin, Eastland, Eckles, Eggers, Farris, Faulkner, Gable (Frank M.), Games, Hankins, Hodge, James of Wyandotte, Keller, McKay, McMillen, Price, Randolph, Richards, Rood, Stewart, Towle, Tucker, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority, being two-thirds of all the members elected to the House, having voted in favor of the passage of the bill, the bill passed, and the title, being amended to correspond with the body of the bill, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 180, An act to authorize the city of Ottawa and its corporate authorities to levy an annual tax for the maintenance and support of a public library.

Also, Senate bill No. 172, An act to amend section 49 of an act entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons," approved February 28, 1868. HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds.

Also, House bill No. 17, An act to amend section 2, chapter 69 of the Session Laws of 1877, approved March 3, 1877.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 142, An act to enable the County Commissioners of Lyon county, in the State of Kansas, to appropriate certain moneys raised to pay interest on bonds voted by said county to the Kansas City, Emporia & Southern Railroad Company, for the year 1877, to the improvement of the court house and jail of said county, and to build fire-proof offices for county officers.

Senate bill No. 153, An act to authorize school boards to transfer surplus sinking and interest funds to other funds.

Senate bill No. 152, An act for the relief of certain persons therein named.

Senate bill No. 82, An act detaching Trego county from Ellis, and establishing district court therein.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed House bill No. 12, An act to change the name of Daisey Lloyd to Mabel Maria Lawrence, and declaring her heir-at-law, and making Edwin D. Lawrence her guardian.

Also, House bill No. 2, An act conferring the rights of majority on Robert J. Weisback, and certain other minors therein named.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following resolution and bills:

Senate joint resolution No. 7, recommending the calling of a constitutional convention.

Senate bill No. 36, An act authorizing the Township Trustee of Ellis township, Ellis county, to expend certain moneys.

Senate bill No. 52, An act to amend section 8 of article 4 of chapter 122, relating to common-school laws of 1876, and supplemental thereto.

HENRY BRANDLEY, *Secretary*.

Mr. Humes moved that the Chief Clerk be instructed to recall from the Senate House bill No. 159, An act to amend section 13 of chapter 16 of the General Statutes of 1868, to provide for

building and repairing bridges, for the further consideration of the House. The motion prevailed.

On motion of Mr. Breyfogle, the House, at 6:05 p. m., adjourned.

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, February 28, 1879. }  
7:30 o'clock p. m.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Bronson, Bruner, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Ewing, Farris, Faulkner, Gable (Thos. P.), Games, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Hewins, Huffaker, Humes, Hutchison, James of Shawnee, Kelley, Kennedy, Kollock, Legate, Manning, Martin of Labette, Martin of Miami, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Barrackman, Berry, Bevins, Bishop, Briggs, Brinkman, Brown, Bull, Callen, Clark, Donahue, Eastland, Eckles, Eggers, Ellison, Fisler, Gable (Frank M.), Gillespie, Gilmore, Greever, Hall, Hartshorne, Henderson, Hodge, Hosack, James of Wyandotte, Keller, Lawson, Leonard, Loy, Majors, Martin of Kingman, McClintick, McCrumb, McMillen, Randolph, Richards, Riggs, Robb, Selover, Towle, Tucker, Wait of Lincoln, Wilson of Jackson, and Woodard.

Quorum present.

By consent, leave of absence was granted to Messrs. Smith of Bourbon, Loy, and Miller, from to-morrow until Monday next

at 3 o'clock P. M.; to Mr. Humes, from this evening until 3 o'clock P. M., Monday.

By consent, substitute for House bill No. 347, An act creating the office of Land Commissioner for the State of Kansas, and defining his duties, and providing for the sale and conveyance of certain State lands therein named, was ordered printed.

By consent, substitute for substitute for House bill No. 38, An act to authorize municipalities to adjust, compromise and settle their bonded indebtedness, was placed on the calendar for third reading, subject to amendment and debate.

By consent, House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policyholders, was placed on the calendar for third reading.

#### REPORTS OF STANDING COMMITTEE.

By consent, Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 54, An act relating to foreign insurance companies doing business in this State, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 113, An act to amend section 6, article 6 of chapter 122 of the Laws of 1876, being an act entitled "An act for the regulation and support of common schools," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 158, An act to amend section 2 of chapter 26 of the General Statutes, entitled "An act concerning the location and removal of county seats," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.



## COMMITTEE OF THE WHOLE.

The hour for the special order having arrived, the House went into committee of the whole, with Mr. Biddle in the chair, for the consideration of general orders.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State, with the recommendation that it retain its place on the calendar.

House bill No. 101, An act fixing the terms of the district court in the counties composing the Ninth Judicial District, with the recommendation that it retain its place on the calendar.

House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, with the recommendation that it be passed as amended.

Substitute for House bill No. 108, An act to repeal chapter 76 of the Statutes of 1877, being an act entitled "An act authorizing a bounty upon wolf, coyote, wild-cat, fox and rabbit scalps," approved March 6, 1877, with the recommendation that it be passed.

House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts known as the State Agricultural College lands, with the recommendation that it be passed.

House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes, with the recommendation that it be passed.

House bill No. 163, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, with the recommendation that it be passed as amended by the committee.

House bill No. 226, An act to amend section 1 of chapter 81,

Statutes of 1868, with the recommendation that it retain its place on the calendar.

House bill No. 55, An act to regulate insurance, with the recommendation that it be passed.

House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, with the recommendation that it be passed.

House bill No. 218, An act for the relief of Neosho county, Kansas, with the recommendation that it be passed.

House bill No. 217, An act to amend section 84 of chapter 81 of the General Laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases," with the recommendation that it be passed as amended by the committee.

House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms, or individuals, with the recommendation that it be passed.

Have had under consideration House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25 of the General Statutes of 1868," being an act relating to counties and county officers, of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys; and pending action thereon the committee arose.

W. R. BIDDLE, *Chairman*.

On motion, the report of the committee was agreed to.

Mr. Biddle moved that all bills recommended for passage by the committee be ordered engrossed, which motion prevailed.

Mr. Hall moved that House bill No. 406, An act for the relief of Neosho county, be considered engrossed, and ordered to third reading, which motion prevailed.

By consent, leave of absence was granted to Messrs. Clark and Hankins until Tuesday next, at 3 o'clock P. M.; to Mr. Kennedy until Monday, at 3 o'clock P. M.

Mr. Breyfogle moved that the House do now adjourn.

The motion prevailed, and the House, at 10:50 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk*.

## THIRTY-SIXTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 1, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Barrackman, Berry, Bevins, Calvin, Clapp, Clark, Eastland, Eckles, Gable (Frank M.), Greever, Hall, Henderson, Humes, Kennedy McClintick, McCrumb, Myers, Price, Rood, Smith of Bourbon, Wait of Lincoln, Wait of Linn, Watson, and Wilson of Jackson.

Quorum present.

By consent, leave of absence was granted to Mr. Rood, on account of illness; to Messrs. Calvin, Corbin, Gillespie, Ewing, and Martin, of Kingman, until Monday, at 3 o'clock P. M.; to Mr. Spilman, until Monday, at 2 o'clock P. M.

Pending the reading of the journal, on motion its further reading was dispensed with.

Mr. Alexander moved that when the House adjourn, it adjourn until Monday, at 10 o'clock A. M. The motion prevailed.

Mr. Legate called up his motion to reconsider the vote by which House bill No. 1, An act changing and defining the boundaries of Davis and Dickinson counties, failed to pass.

Whereupon Mr. Hodge moved to lay the motion on the table.

Upon this motion, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 96; majority under the rule, 46. Yeas, 59; nays, 37; absent or not voting, 33.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Baker, Beaty, Berry, Bissell, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clogston, Congdon, Cool, Danhaur, Eastland, Ellison, Farris, Gable (Thos. P.), Gillespie, Gilmore, Godfrey, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Hutchison, James of Shawnee, Kelley, Kollock, Loy, Martin of Labette, McCrumb, Moore, Morgan, Myers, Rice, Riggs, Robb, Sallee, Scott, Seaton, Shaw, Spilman, Stewart, Tallman, Towle, Waite of Pawnee, Walker, Watson, White, and Woodard.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Bishop, Blackman, Boggs, Briggs, Callen, Clapp, Corbin, Donahue, Eggers, Ewing, Greever, Greiffenstein, Hamilton of Norton, Hewins, Hossack, James of Wyandotte, Keller, Lawson, Legate, Leonard, Martin of Kingman, Martin of Miami, McKay, Miller, Parsons, Prunty, Selover, Smith of Marshall, Stitt, Stumbaugh, Taylor, Tucker, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Armstrong, Ballard, Barber, Barrackman, Bevins, Biddle, Clark, Cunningham, Eckles, Faulkner, Fisler, Gable (Frank M.), Games, Hall, Hamilton of Marshall, Henderson, Humes, Kennedy, Majors, Manning, McClintick, McMillen, Price, Randolph, Rath, Raybell, Richards, Rood, Smith of Bourbon, Wait of Lincoln, Wait of Linn, Wilson of Jackson, and Wright.

So the motion to lay on the table prevailed.



## PRESENTATION OF PETITIONS.

The following petitions were presented, and appropriately referred:

By Mr. Blackman: Of citizens of Leavenworth county, praying that the clause exempting church property from taxation be stricken from the State constitution. Referred to the Committee on Education.

By Mr. Helmick: Of D. Scranton, and 415 others, citizens of Cherokee county, praying the Legislature to make an appropriation to the Neutral Land Defense Committee. Referred to the Committee on Ways and Means.

By Mr. Loy: Of W. F. Hetherington, W. H. H. Wood, Granville Gates, and 133 others, citizens of Emporia, Lyon county, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation—in accordance with the recommendation of the Governor's late message. Referred to the Committee on Temperance.

By Mr. Loy: Of A. J. Burdick, and 44 citizens of Central School District, Lyon county, Kansas, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation—in accordance with the recommendation of the Governor's late message. Referred to the Committee on Temperance.

By Mr. Alexander: Of citizens of Tecumseh, Shawnee county, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation—in accordance with the recommendation of the Governor's late message. Referred to the Committee on Temperance.

Mr. Seaton moved that the rules be suspended, and that House bill No. 325, An act amendatory of sections 2 and 3 of chapter 141 of the General Statutes of the State of Kansas, entitled

"Liens of mechanics and others," approved March 2, 1872, be referred to the committee of the whole House. The motion prevailed.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time, and referred as follows:

##### *To the Committee of the Whole House:*

Senate bill No. 163, An act to authorize the township of Blue Rapids City, in Marshall county, Kansas, to issue bonds to protect roads and bridges in said county.

Senate bill No. 111, An act authorizing the Board of County Commissioners of Kingman county to issue bonds to fund its outstanding indebtedness.

Senate bill No. 92, An act to amend chapter 74 of Statutes of 1873.

Senate bill No. 152, An act for the relief of certain persons therein named.

Senate bill No. 104, An act to amend section 127, article 18, relating to collection of taxes.

Senate bill No. 49, An act to amend an act entitled "An act defining the boundaries of counties."

Senate bill No. 52, An act to amend section 8 of article 4 of chapter 122, relating to common-school laws of 1876, and supplemental thereto.

Senate bill No. 36, An act authorizing the Township Trustee of Ellis township, Ellis county, to expend certain moneys.

Senate bill No. 104, An act to amend section 127, article 18, relating to collection of taxes.

Senate joint resolution No. 7, recommending the calling of a constitutional convention.

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund.

Senate bill No. 5, An act authorizing the appointment of stenographers for the district courts of the State of Kansas, and fixing their compensation.

Senate bill No. 103, An act to amend an act entitled "An act to provide for the sale of lands set apart for the support and

maintenance of the State Normal School," approved March 1, 1872.

Senate bill No. 89, An act to amend section 184 of chapter 25 of the General Statutes of 1868.

Senate bill No. 2, An act to authorize and empower school districts in cities of the first and second class to compromise their indebtedness.

Senate bill No. 142, An act to enable the county commissioners of Lyon county, in the State of Kansas, to appropriate certain moneys raised to pay interest on bonds voted by said county to the Kansas City, Emporia & Southern Railroad Company, for the year 1877, to the improvement of the court house and jail of said county, and to build fire-proof offices for county officers.

Senate bill No. 153, An act to authorize school boards to transfer surplus sinking and interest funds to other funds.

Senate bill No. 172, An act to amend section 49 of an act entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons," approved February 28, 1868.

*To the Committee on Judiciary:*

Senate bill No. 82, An act detaching Trego county from Ellis, and establishing district court therein.

By consent, Senate bill No. 165, An act for the relief of Geo. R. Sommers, of Marshall county, Kansas, and Senate joint resolution No. 7, recommending the calling of a constitutional convention, were considered engrossed, and ordered to a third reading.

MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 39, granting permission to the Masonic grand bodies, and to the Grand Lodge and the Grand Encampment of Odd Fellows of the State, to hold their annual or regular sessions in the Senate Chamber or in the Hall of the House of Representatives.

HENRY BRANDLEY, *Secretary.*

REPORTS OF STANDING COMMITTEES.

Mr. Legate, chairman of the Committee on Federal Relations, submitted the following report:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred House concurrent resolution No. 28, Memorializing Congress to amend the pension and bounty laws of the United States, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be passed. JAMES F. LEGATE, *Chairman*.

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following report:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman*.

Mr. Clogston, chairman of the Committee on Criminal Jurisprudence, submitted the following reports:

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 93, An act to amend section 27 of chapter 83 of the General Statutes of Kansas, regulating proceedings before justices of the peace in cases of misdemeanor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed. J. B. CLOGSTON, *Chairman*.

MR. SPEAKER: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 93, An act amending section 27 of chapter 83 of the General Statutes of 1868, concerning procedure before justices of the peace in cases of misdemeanor, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that substitute for said bills be passed.

J. B. CLOGSTON, *Chairman*.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and read:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

House bill No. 9, An act to repeal chapter 115 of the Laws of Kansas of 1877, entitled "An act to regulate the salary of the County Attorney of Neosho county, Kansas."



House bill No. 14, An act to repeal chapter 84 of the Laws of Kansas of 1877, entitled "An act to authorize Elias Rees, of the county of Lincoln, to build and maintain a toll bridge," approved March 6, 1877.

House bill No. 152, An act to amend section 23 of chapter 34 of the Laws of 1876, entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, Feb. 28, 1879.

Mr. Callen moved that House bill No. 245, An act to create the office of county assessor, to prescribe the duties thereof, and to repeal all laws in conflict therewith, be placed on third reading, which motion prevailed.

Mr. Callen moved that House bill No. 273, An act to create a State board of school text-books, and to authorize the Superintendent of Public Instruction to purchase text-books for the schools of the State, be taken up. The motion did not prevail.

Mr. Hodge offered the following resolution, and moved its adoption:

*Resolved*, That all committee clerks be relieved from further duty after this date, except in cases where the chairman of the committee may deem it necessary to retain said clerk.

The resolution was adopted.

Mr. Biddle called up House concurrent resolution No. 42, in relation to printing extra copies of the "Clerks' Legislative Manual," and moved its adoption.

The resolution was read, and adopted.

By consent, Mr. Anderson, of Cherokee, offered House joint resolution No. 7, proposing an amendment to the State constitution, which was read, the first and second time, and referred to the committee of the whole House.

Mr. Legate moved that the vote by which House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, was passed, be reconsidered.

The motion prevailed; whereupon Mr. Legate offered the following amendments to the bill:

In section 8, insert: "All interest on all bonds issued under

the provisions of this act shall be forfeited to the county, unless the bond is presented to the clerk, and his check to the county treasurer, within sixty days from the time such interest is due; and said treasurer shall not pay any check given for interest on said bonds, unless presented within said sixty days."

In section 11, between the words "provisions" and "of," insert, "of section 2;" also, strike out the last three words in section 11, and add: "only in railroad bonds heretofore issued."

Strike out of section 12 the following: "And in paying the necessary expenses incident to the compromise of the railroad bonded indebtedness of said county, including the expense of its railroad bonded litigation: *Provided*, That no part of such fund shall be used to pay any indebtedness on account of what is known as the Matt. Carpenter contract and the John C. Douglass contract. It shall be unlawful to use any portion of such funds in the payment of any claim for expenses for compromising such railroad indebtedness, or for expenses of its railroad litigation, until such claim shall have been presented to and allowed by the board of county commissioners of such county, and by it ordered to be paid; and such claim shall only be paid on the written order of such board, signed by its chairman, and attested by the county clerk, which order shall show upon its face the nature and amount of the claim, and to whom allowed; and such order shall be the voucher of the treasurer for the payment of the same." And insert, after the word "provides," the word "that."

In section 15, between the words "exceed" and "per cent.," insert the word "one."

On motion of Mr. Legate, the bill, as thus amended, was considered engrossed, and placed upon its final passage.

And the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65. Yeas, 80; nays, 0; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barber, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton,

Hartshorne, Hankins, Hewins, Hodge, Hossack, James of Shawnee, James of Wyandotte, Kelley, Kollock, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McKay, Miller, Moore, Prunty, Rath, Rice, Robb, Sallee, Scott, Selover, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Bevins, Bishop, Boggs, Brinkman, Callen, Clark, Cool, Eckles, Farris, Faulkner, Games, Greever, Hall, Hamilton of Marshall, Helmick, Henderson, Huffaker, Humes, Hutchison, Keller, Kennedy, Lawson, Loy, McClintick, McCrumb, McMullen, Morgan, Myers, Parsons, Price, Randolph, Raybell, Richards, Riggs, Rood, Seaton, Smith of Bourbon, Towle, Wait of Lincoln, Wait of Linn, Watson, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill, as amended, passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Stumbaugh moved to reconsider the vote by which House bill No. 159, "An act to amend section 13 of chapter 16 of the General Statutes of 1868, to provide for building and repairing bridges," passed on yesterday. The motion prevailed.

Mr. Riggs moved to amend the bill by making its provisions applicable to counties containing 20,000 inhabitants or more. The motion prevailed.

By consent, the counties of Barton, Davis, Dickinson, Greenwood and Washington were excluded from the provisions of the bill.

Upon the passage of the bill, as amended, the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 86; nays, 6; absent or not voting, 37.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barber, Beaty, Biddle, Bissell, Blackman, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Cunningham,

Danhaur, Donahue, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hewins, Hodge, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Lawson, Legate, Leonard, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Riggs, Robb, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Farris, Gillespie, Gilmore, Helmick, and Tallman.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Barrackman, Berry, Bevins, Bishop, Boggs, Briggs, Clapp, Clark, Corbin, Eastland, Eckles, Fisler, Games, Henderson, Humes, Keller, Kelley, Kennedy, Kollock, Loy, Majors, Martin of Kingman, McMillen, Price, Raybell, Richards, Rood, Selover, Smith of Bourbon, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, Wilson of Jackson, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended, was again read, and agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### REPORT OF STANDING COMMITTEE.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred Senate bill No. 26, An act authorizing and directing the Board of County Commissioners of Miami county to provide a fund and issue warrants for the building of bridges, and to provide for a commission to build the same, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed, with the amendments herewith submitted.

E. C. MANNING, *Chairman.*

By consent, Mr. Parsons offered the following resolution:

*Resolved*, That it is the sense of this House that the four days lost by the adjournment of the Legislature immediately following



the Senatorial election be not included in the count of the fifty days for the session of the Legislature.

On motion, the rules were suspended, and the resolution was adopted.

Mr. Brinkman moved that the rules be suspended, and that Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas on account of Indian raid of 1878, be ordered on the calendar for a third reading. The motion prevailed.

By consent, the resolution in relation to Mr. McClintick, of McPherson, offered on a previous day, was withdrawn, the object of it being accomplished by his subsequent action in testifying fully before the House investigating committee.

#### REPORTS OF STANDING COMMITTEES.

Mr. Legate, chairman of the Committee on Federal Relations, submitted the following report:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred House bill No. 313, An act regulating the sale of intoxicating liquors, and amending chapter 38 of the General Statutes of 1868, and repealing all laws in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

JAMES F. LEGATE, *Chairman.*

Mr. Faulkner, chairman of the Committee on Ways and Means, submitted the following reports:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 141, An act providing for the payment of the agent of the State of Kansas prosecuting claims against the United States, have had the same under consideration, and instruct me to report the bill back to the House with the statement that provision has been made for the payment of said agent by the joint Committee on Ways and Means, in Senate bill No. 176.

C. E. FAULKNER, *Chairman.*

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 339, An act for the relief of Pawnee county, and to make appropriation to pay the costs in certain criminal cases, have had the same under consideration, and instruct me to report the bill back to the House with the statement that pro-

vision has been made for the payment of said costs in the miscellaneous appropriation bill.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 294, An act making an appropriation for certain expenses incurred by the State in case of The State against Chas. G. Scrafford, charged with forgery, have had the same under consideration, and instruct me to report the bill back to the House with the statement that provision has been made by the committee for the payment of said costs in the miscellaneous appropriation bill.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 289, An act for the relief of Ford county, Kansas, and to make an appropriation to pay the costs in certain criminal cases, have had the same under consideration, and instruct me to report the bill back to the House with the statement that provision has been made for the payment of said costs in the miscellaneous appropriation bill.

C. E. FAULKNER, *Chairman*.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred House bill No. 201, An act making appropriation for the State Historical Society for the fiscal years ending June 30, 1880, and June 30, 1881, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

C. E. FAULKNER, *Chairman*.

Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 4, An act to amend chapter 34, acts of 1876, to provide for the assessment and collection of taxes, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 72, An act enabling counties to make

donations or appropriations to railroads or public improvements out of surplus revenue, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate concurrent resolution No. 26, relating to suits to be instituted by the Attorney General against R. D. Mobley and F. H. Drenning, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 331, An act to amend section 19, chapter 39, of the Statutes of 1868, concerning fees, approved March 2, 1868, entitled "An act fixing the fees of certain officers and persons therein named," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 363, An act confirming the sale of lands and town lots sold at sheriff's sale for delinquent taxes, under chapter 39 of the Laws of 1877, bid in by Chautauqua county on the first offer of sale, at two-thirds their appraised value, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 381, An act regulating the fees and compensation of clerks of the district courts, and repealing chapters 94 and 21 of the Laws of 1875, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be rejected.

S. A. RIGGS, *Chairman*.

#### APPOINTMENTS.

The Speaker made the following announcements:

By authority vested in me, I hereby appoint Miss Ella Peacock

Twelfth Assistant Enrolling Clerk of the House of Representatives.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Peacock appeared, took and subscribed the following oath of office, which was duly administered to her by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of Twelfth Assistant Enrolling Clerk of the House of Representatives. So help me God.

(Signed) ELLA PEACOCK.

Subscribed and sworn to before me, this 1st day of March, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Also, the following: I hereby appoint Miss Robena B. Moore Thirteenth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Thereupon Miss Moore came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Thirteenth Assistant Enrolling Clerk of the House of Representatives to the best of my ability. So help me God.

(Signed) ROBENA B. MOORE.

Subscribed and sworn to before me, this 1st day of March, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

#### RESOLUTIONS LAID OVER UNDER THE RULES.

House concurrent resolution No. 36, requesting Senators and Representatives in Congress from the State of Kansas to take the necessary action to secure the payment of "posse" scrip issued to citizens of Kansas, for services rendered in assisting the United States Marshal to enforce obedience to writ issued from United States Courts, was read, and on motion of Mr. Sallee referred to the Committee on Claims.



House concurrent resolution No. 37, requesting certain action with reference to the institution of a suit for the purpose of settling the title to certain indemnity lands, was taken up, and on motion of Mr. Legate adopted.

Mr. Legate moved that the House do now adjourn.

The motion prevailed, and at 12:35 o'clock the House adjourned until 10 A. M., Monday, March 3d, 1879.

WIRT W. WALTON, *Chief Clerk.*

---

## THIRTY-SEVENTH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 3, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by Mr. Blanchard, Representative from Labette county.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Ballard, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bruner, Bull, Butts, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Eggers, Ellison, Ewing, Faulkner, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hewins, Hodge, Huffaker, James of Shawnee, James of Wyandotte, Kollock, Lawson, Leonard, Majors, Manning, Martin of Labette, Martin of Miami, McKay, McMillen, Parsons, Price, Prunty, Rath, Raybell, Rice, Robb, Rood, Sallee, Scott, Selover, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Shawnee, Barber, Barrackman, Bevins, Biddle, Brinkman, Bronson, Brown, Callen, Calvin, Clark, Corbin, Donahue, Eckles, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Gillespie, Hall, Hartshorne, Hankins,

Helmick, Henderson, Hossack, Humes, Hutchison, Keller, Kelley, Kennedy, Legate, Loy, Martin of Kingman, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Randolph, Richards, Riggs, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Wait of Lincoln, Wait of Linn, Walker, Watson, and Wilson of Jackson.

Quorum present.

Leave of absence was granted Messrs. Brown, Stewart, Bronson and Helmick until 3 o'clock P. M. to-day; the railroad committee during the morning session.

Pending the reading of the journal of Saturday, on motion of Mr. White, the further reading of the journal was dispensed with.

Mr. Manning moved that the rules be suspended, and that certain resolutions offered by him be now considered.

The motion prevailed, and the following was read:

*Resolved*, That the hours of meeting for the House of Representatives shall be 9 o'clock A. M., 1:30 o'clock P. M., and 7:30 o'clock P. M.; and that this order take effect this third day of March.

Mr. Hodge moved to amend by making 9:30 o'clock the hour for the morning session. The motion prevailed.

Mr. Anderson, of Cherokee, moved to strike out 1:30 P. M., and insert 2 o'clock P. M., which motion did not prevail.

The question being on the resolution as amended, the resolution was adopted.

Mr. Manning next called up the following:

*Resolved*, That all bills on the calendar be put upon third reading, subject to amendment and debate, and that all debate thereon shall be limited to two and one-half minutes for each speaker: this order not to apply to appropriation bills.

Mr. Anderson, of Cherokee, demanded a division of the question.

The question being to place all bills on third reading, the motion did not prevail.

The question then being to limit all speakers to two and one-half minutes, Mr. Anderson, of Cherokee, moved, as an amendment, that the same rule apply in committee of the whole.

Mr. Biddle moved, as an amendment to the amendment, that the author of the bill be allowed five minutes for debate.

Mr. Smith, of Marshall, moved to lay the whole subject on the table, which motion prevailed.

Senate amendments to substitute for House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, were taken up, and the question being, Shall the House concur? the roll was called, with the following result:

Whole number of votes cast, 71; constitutional majority, 65. Yeas, 71; nays, 0; absent or not voting, 58.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Berry, Biddle, Bishop, Blackman, Blanchard, Bower, Brown, Bruner, Bull, Butts, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Ellison, Ewing, Farris, Faulkner, Gilmore, Godfrey, Greever, Hamilton of Norton, Hodge, Hossack, Huffaker, James of Shawnee, Kollock, Lawson, Leonard, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Parsons, Prunty, Rath, Raybell, Rice, Rood, Sallee, Scott, Selover, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Barber, Barrackman, Bevins, Bissell, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Callen, Calvin, Clark, Corbin, Donahue, Eckles, Eggers, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Humes, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Loy, Martin of Kingman, McCrumb, Miller, Moore, Morgan, Myers, Price, Randolph, Richards, Riggs, Robb, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Wait of Lincoln, Wait of Linn, Walker, Watson, and Wilson of Jackson.

A constitutional majority having voted in the affirmative, the Senate amendments were concurred in.

Mr. Congdon arose to a question of privilege, and said that substitute for House bill No. 198, An act providing for the apportionment of a certain bonded indebtedness of Sedgwick county,

Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97, of the Laws 1872, was improperly on the calendar, under the head of bills on third reading.

Mr. Anderson, of Cherokee, moved that the bill be considered engrossed, and allowed to retain its present place on the calendar.

The motion did not prevail, and the Docket Clerk was instructed to place the bill under the head of general orders, where it belonged.

Mr. Tucker moved a suspension of the rules, that Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97, of the Laws of 1872, might be considered engrossed, and ordered to a third reading.

Mr. Congdon moved to lay the motion on the table, which motion prevailed.

Upon motion of Mr. Smith, of Marshall, substitute for substitute for House bill No. 38, An act enabling municipal corporations, the board of education of any city and school district, to re-fund their indebtedness, was read a third time, when, by unanimous consent, the author of the bill, Mr. Sallee, was allowed to offer the following amendments, which were adopted: In section 1, in line 6, by inserting "six" in lieu of "seven;" also, in line 1, after the word "different," insert "counties," and after the word "issued," the words, "in such counties." Amend section 5 by substituting the following: Sec. 5. In all cases in which any county, city, township, the board of education of any city or school district, shall effect a compromise of its indebtedness under this act, at a rate of sixty-five per cent. or less, upon the amount of such indebtedness, and shall issue bonds therefor under the provisions of this act, such county, city, township, the board of education of any city, or such school district, so compromising at such rate, shall never increase its indebtedness beyond the amount of such re-funding bonds, so issued under this act, until the same are paid or liquidated; and any bonds that may be issued or indebtedness created, in addition to such amount of re-funding bonds so issued, shall be absolutely null and void. In line 6, section 6, after the word "bonds," insert the following words, "and if such officers fail or neglect to make such levy, it



shall be the duty of the county clerk forthwith to levy such tax." In section 7, the word "treasurers" to be substituted for the word "clerks" whenever it occurs, and add the following to the last line of the section: "And should such county treasurer neglect or refuse to levy such tax, and place the same upon the tax roll for collection, as herein provided, he shall be personally liable, and also liable upon his official bond to the holder of any such bonds, or coupons then due, for the full amount thereof, and shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail for not less than three nor more than twelve months." Change "Sec. 12" to read, "Sec. 13."

(Pending action on this amendment, Mr. James, of Wyandotte, moved that the House adjourn, which motion did not prevail.)

By consent, original section 11 was stricken out. Section 12 amended so as to read: "The interest coupons provided for in this act shall, as fast as they become due, be receivable in payment of taxes due to the particular county, city, the board of of any city, the township or school district, which may have issued such coupons, and shall be received by all collecting officers the same as cash in payment of such taxes."

On motion of Mr. Smith, of Marshall, at 12:30 o'clock P. M. the House adjourned.

## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 3, 1879. }  
1:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Biddle, Blackman, Blanchard, Boggs, Bower, Briggs, Bruner, Bull, Butts, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Gilmore, Godfrey, Greever, Hewins, James of Shawnee, James of Wyandotte,

Kollock, Lawson, Leonard, Majors, Manning, Martin of Labette, Martin of Miami, McKay, McMillen, Parsons, Prunty, Rath, Raybell, Rice, Robb, Sallee, Scott, Selover, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, White, Willey, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Barber, Barrackman, Berry, Bevins, Bishop, Bissell, Breyfogle, Brinkman, Bronson, Brown, Callen, Calvin, Clark, Corbin, Donahue, Eckles, Fidler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, Hutchison, Keller, Kelley, Kennedy, Legate, Loy, Martin of Kingman, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Price, Randolph, Richards, Riggs, Rood, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Wait of Linn, Walker, Watson, Wilson of Jackson, Woodard, and Wright.

Quorum present.

#### REPORTS OF STANDING COMMITTEES.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 226, An act to amend section 1 of chapter 81 of the Statutes of 1868, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said

funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 217, An act to amend section 84 of chapter 81 of the general laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 108, An act to repeal chapter 76 of the Statutes of 1877, being an act entitled "An act authorizing a bounty upon wolf, coyote, wild-cat, fox and rabbit scalps," approved March 6, 1877, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 55, An act to regulate insurance, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts known as the State Agricultural College lands, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

Mr. Robb, chairman of the Committee on Claims, submitted the following reports:

MR. SPEAKER: Your Committee on Claims, to whom was referred petitions Nos. 36, 116 and 168, in reference to Price raid claims, have had the same under consideration, and instruct me to report the petitions back to the House with the recommendation that the prayer of the petitioners be complied with.

JAMES ROBB, *Chairman*.

MR. SPEAKER: Your Committee on Claims, to whom was referred House concurrent resolution No. 36, requesting Senators and Representatives in Congress from the State of Kansas to take the necessary action to secure the payment of "posse" scrip, issued to citizens of Kansas for services rendered in assisting the United States Marshal to enforce obedience to writs issued from United States courts, have had the same under consideration, and instruct me to report the resolution back to the House with the recommendation that action thereon be postponed for ninety-nine years.

JAMES ROBB, *Chairman*.

Mr. Eggers, chairman of the Committee on Railroads, submitted the following reports:

MR. SPEAKER: Your Committee on Railroads, to whom was referred House bill No. 213, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city, township or county hereafter subscribing to stock of any railroad company, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

L. F. EGGERS, *Chairman*.

MR. SPEAKER: Your Committee on Railroads, to whom was referred House bill No. 399, An act regulating, controlling and establishing rates of fare and freight on railroads, establishing rules to regulate the same, and providing for the punishment of



a violation of the provisions thereof, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

L. F. EGGERS, *Chairman*.

Mr. Biddle moved that the rules be suspended, and that House bill No. 399, An act regulating, controlling and establishing rates of fare and freight on railroads, establishing rules to regulate the same, and providing for the punishment of a violation of the provisions thereof, be considered engrossed, and placed on third reading, subject to amendment and debate.

Upon this motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 66; majority under the rule, 34. Yeas, 28; nays, 38; absent or not voting, 63.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Armstrong, Biddle, Blackman, Blanchard, Boggs, Bower, Bull, Butts, Clogston, Danhaur, Eastland, Ellison, Farris, Faulkner, Godfrey, Martin of Labette, Parsons, Rath, Robb, Sallee, Selover, Smith of Marshall, Towle, Waite of Pawnee, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Beaty, Bishop, Briggs, Cool, Cunningham, Eggers, Ewing, Greever, Greiffenstein, Hewins, Hodge, James of Shawnee, James of Wyandotte, Kelley, Kollock, Lawson, Leonard, Majors, Manning, McKay, McMillen, Prunty, Raybell, Rood, Scott, Stitt, Stumbaugh, Taylor, Wait of Lincoln, White, Willey, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Barber, Barrackman, Berry, Bevins, Bissell, Breyfogle, Brinkman, Bronson, Brown, Bruner, Callen, Calvin, Clapp, Clark, Congdon, Corbin, Donahue, Eckles, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Hutchison, Keller, Kennedy, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Price, Randolph, Rice, Richards, Riggs, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Tallman, Tucker, Wait of Linn, Walker, Watson, and Wilson of Jackson.

The motion to suspend the rules did not prevail.

The House then resumed the consideration of House bill No. 38, and the amendments offered at the time of adjournment.

On motion, the amendments were adopted.

By consent, Mr. Manning offered the following amendments to section 4:

Add to section 4 the following: "by the county commissioners, a register of the number, amount and date of issue of the same, having first been made by the county clerk."

Also amend by inserting, after the word "bond," in section 4 of the printed bill, the following words: "shall be issued at not less than par."

The amendment was adopted.

Mr. Sallee moved to amend the same section, by inserting after the word "preserved," in the same line, the words, "in the office of the county clerk."

The amendment was adopted.

Mr. Manning then offered the following amendment to section 8, being an additional proviso:

*"Provided further,* That, under the provisions of this act, the proper officers are authorized, if desirable, to issue installment bonds, running thirty years, having coupons attached representing the semi-annual interest to become due thereon; and each coupon attached to any installment bond, shall, after five years from its date, represent one fiftieth of its principal, which amount shall be shown by separate words and figures aside from the interest represented in the coupon, and each installment bond shall show upon its face that its principal is included in the coupons."

On motion, the amendment was adopted.

The bill, as amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 68; nays, 4; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Beaty, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Briggs, Bruner, Bull, Butts, Congdon, Cool, Cunningham, Danhaur, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Godfrey, Greever, Greiffenstein, Hewins, Hodge, Hossack,

James of Shawnee, James of Wyandotte, Kelley, Kollock, Lawson, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Parsons, Prunty, Rath, Raybell, Rice, Robb, Sallee, Scott, Selover, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Ballard, Gilmore, and Woodard.

Gentlemen absent or not voting were: Messrs. Barber, Barrackman, Berry, Bevins, Bissell, Breyfogle, Brinkman, Bronson, Brown, Callen, Calvin, Clapp, Clark, Clogston, Corbin, Donahue, Eckles, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Huffaker, Humes, Hutchison, Keller, Kennedy, Legate, Leonard, Loy, Martin of Kingman, McCrumb, Miller, Moore, Morgan, Myers, Price, Randolph, Richards, Riggs, Rood, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Wait of Lincoln, Wait of Linn, Walker, and Watson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### COMMITTEE OF THE WHOLE.

Mr. Faulkner moved that the House resolve itself into committee of the whole, for the consideration of appropriation bills, being the special order for 2 o'clock P. M., which motion prevailed.

The House then went into committee of the whole, with Mr. Anderson, of Cherokee, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration appropriation bills on the calendar, and instruct me to report the following recommendations:

Substitute for House bill No. 35, An act making an appropriation for the erection of additional buildings for the Insane Asy-

lum at Osawatomie, and for the completion of said asylum, with the recommendation that it be passed.

Substitute for House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatomie for the fiscal years ending June 30, 1880 and 1881, with the recommendation that it be passed, subject to amendment and debate.

Substitute for Senate bill No. 68, An act making an appropriation for the State Fish Commissioner for the years ending June 30, 1880, and June 30, 1881, with the recommendation that it be passed.

Substitute for House bill No. 147, An act making appropriations for the erection of a building to be used as a dormitory, laundry and hospital, for furnishing the same, and for improvements for the Institution of the Blind, and to defray the current expenses of said institution for the years 1880 and 1881, with the recommendation that it be passed.

Substitute for House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, with the recommendation that it be passed as amended by the committee.

House bill No. 181, An act making appropriations for the Home for Friendless Women, with the recommendation that it be passed, subject to amendment on third reading.

And have had under consideration substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880, and June 30, 1881; and instruct me to report progress thereon, and ask leave to sit again.

T. P. ANDERSON, *Chairman.*

On motion, the report of the committee was accepted.

On motion of Mr. Biddle, all bills reported favorably upon by the committee were ordered engrossed.

By consent, Mr. Albin was permitted to present petition of C. G. Manley, E. L. Akin, H. D. Hill, and 142 other citizens of Augusta, Butler county, Kansas, praying for an amendment to the dramshop act. Referred to the Committee on Temperance.



## MESSAGES FROM THE SENATE.

The following messages from the Senate were received, and read:

MR. SPEAKER: I am directed to request the House to return to the Senate, for its further consideration, Senate bill No. 181, An act to amend section 181 of chapter 25 of the General Statutes of 1868.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Biddle, the Chief Clerk was directed to return the bill as requested.

Also the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 132, An act in relation to the conveyance of lands sold by sheriff, coroner, or other officer.

Senate bill No. 91, An act to amend section 1 of chapter 99 of the Session Laws of 1877, being "An act to define the terms of holding courts in the Fourteenth Judicial District."

Senate bill No. 130, An act to amend chapter 100 of Laws of 1872, relative to cities of the second class.

Senate bill No. 156, An act relating to deeds and conveyances made by executors and administrators in certain cases.

Senate bill No. 159, An act explanatory of chapter 83, Laws of 1873.

Senate bill No. 147, An act to authorize cities of the second class to surrender their charters and organize towns.

HENRY BRANDLEY, *Secretary*.

## APPOINTMENT.

The Speaker announced the following appointment:

By authority vested in me, I hereby appoint Miss Maggie A. Hughes Fourteenth Assistant Enrolling Clerk.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Hughes subscribed to the following oath, which was duly administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and

that I will faithfully discharge the duties of Fourteenth Assistant Enrolling Clerk of the House of Representatives. So help me God. (Signed) MADELINE A. HUGHES.

Subscribed and sworn to before me, this 3d day of March, A. D. 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

On motion of Mr. Smith, of Marshall, at 6:30 o'clock, the House adjourned.

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 3, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blanchard, Breyfogle, Briggs, Bull, Butts, Callen, Clark, Cool, Corbin, Cunningham, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Leonard, Manning, Martin of Miami, McCrumb, McMillen, Miller, Morgan, Myers, Price, Prunty, Randolph, Rath, Riggs, Robb, Sallee, Scott, Seaton, Selover, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Baker, Barber, Barrackman, Blackman, Boggs, Bower, Brinkman, Bronson, Brown, Bruner, Calvin, Clapp, Clogston, Congdon, Danhaur, Ewing, Fisler, Greever, Greiffenstein, Hall, Hartshorne, Hossack, Huffaker, Humes, Legate, Loy, Majors, Martin of Kingman, Martin of Labette, McClintick, McKay, Moore, Parsons, Raybell, Rice, Richards,

Rood, Shaw, Smith of Bourbon, Wait of Lincoln, Wait of Linn, Wilson of Jackson, Woodard, and Wright.

Quorum present.

#### COMMITTEE OF THE WHOLE.

Mr. Hamilton, of Norton, moved that the House resolve itself into committee of the whole, for the consideration of the special order for 7:30 o'clock P. M., which motion prevailed.

The House then went into the committee of the whole, with Mr. Bruner in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration the special order and other bills on the calendar, and instruct me to report the following recommendations:

House bill No. 347, An act creating the office of Land Commissioner for the State of Kansas, and defining the duties of such Commissioner, and providing for the sale and conveyance of certain State lands therein named, with the recommendation that it retain its place on the calendar.

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State, with the recommendation that it be passed over, retaining its place on the calendar.

House bill No. 101, An act fixing the terms of the District Court in the counties composing the Ninth Judicial District, with the recommendation that it be passed over, retaining its place on the calendar.

House bill No. 226, An act to amend section 1 of chapter 81, Statutes of 1868, with the recommendation that it be passed.

House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25 of the General Statutes of 1868," being an act relating to counties and county officers, of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys, with the recommendation that it be passed, subject to amendment.

House bill No. 202, An act to amend section 1, chapter 118 of the Session Laws of 1877, entitled "An act for the protection of birds," with the recommendation that it be passed as amended.

House bill No. 140, An act to amend section 76, article 11, and section 79, article 12 of chapter 34, of an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, with the recommendation that it be passed as amended.

House bill No. 212, An act to amend section 28 of article 4, chapter 122 of the Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876, with the recommendation that it be passed as amended.

Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases, with the recommendation that it be passed.

Substitute for House bills Nos. 86 and 188, An act to amend section 1 of chapter 35 of the Statutes of 1868, being an act entitled "An act to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors," with the recommendation that it be passed.

Substitute for House bill No. 238, An act to provide for the distribution of taxes upon railroads receiving aid from townships among the different road and school districts in such townships, with the recommendation that the enacting clause be stricken out.

Substitute for House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers, with the recommendation that it be passed, and retain its place on the calendar.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low land, with the recommendation that it be passed, and retain its place on the calendar.

Pending consideration of House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872, the committee arose without instruction.

J. B. BRUNER, *Chairman.*

Mr. Bruner moved that the report be agreed to.

Mr. Anderson, of Cherokee, moved to except from the agreement substitute for House bill No. 238, An act to provide for



the distribution of taxes upon railroads receiving aid from townships among the different roads and school districts in such townships, which motion did not prevail.

Mr. Manning moved to except from the agreement House bill No. 347, An act creating the office of Land Commissioner for the State of Kansas, and defining the duties of such Commissioner, and providing for the sale and conveyance of certain State lands therein named. The motion did not prevail.

The report of the committee was agreed to

On motion, all bills reported favorably upon by the committee were ordered engrossed, for a third reading.

By consent, Mr. Gable (Frank M.), chairman of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred House bill No. 414, An act to vacate a portion of the town site of the city of Lyndon, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

FRANK M. GABLE, *Chairman.*

On motion of Mr. Anderson, of Cherokee, the House, at 11:20 o'clock, adjourned.

WIRT W. WALTON, *Chief Clerk.*

---

## THIRTY-EIGHTH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 4, 1879. }  
9:30 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard,

Boggs, Bower, Breyfogle, Brown, Bruner, Bull, Butts, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Humes, James of Shawnee, Keller, Kelley, Kennedy, Kollock, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Bevins, Blackman, Briggs, Brinkman, Bronson, Clapp, Clark, Clogston, Corbin, Eckles, Ellison, Fidler, Greiffenstein, Hamilton of Marshall, Hankins, Hossack, Huffaker, Hutchison, James of Wyandotte, Lawson, Manning, Randolph, Richards, Riggs, Seaton, Taylor, Wait of Lincoln, Wait of Linn, and Wright.

Quorum present.

On motion, leave of absence was granted Messrs. Blackman, Greiffenstein, and Huffaker.

On motion, the reading of the journal was dispensed with.

Mr. Anderson, of Shawnee, moved that the rules be suspended, and that the House concur in Senate amendments to House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, and House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city.

The motion prevailed, and the question being, Shall the House concur? the roll was called, with the following result: Yeas, 90; nays, 0; absent or not voting, 39.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Biddle, Bishop, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Butts, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Ewing, Farris, Faulkner, Gable

(Thos. P.), Games, Gillespie, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hewins, Hodge, Humes, James of Shawnee, Keller, Kennedy, Kollock, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Berry, Bevins, Bissell, Blackman, Bull, Clapp, Clark, Clogston, Corbin, Eastland, Eckles, Eggers, Ellison, Fisler, Gable (Frank M.), Gilmore, Godfrey, Greiffenstein, Hall, Hankins, Henderson, Hossack, Huffaker, Hutchison, James of Wyandotte, Kelley, Lawson, McClintick, Parsons, Randolph, Richards, Riggs, Seaton, Wait of Lincoln, Wait of Linn, Wilson of Jackson, and Wright.

So the House concurred in the Senate amendments.

### THIRD READING OF BILLS.

House bill No. 303, An act vacating certain farming lands in Wyandotte city, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers,

Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 61, An act for the relief of defaulting purchasers of school lands, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of



Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Dannahur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 157, An act relating to State and county roads, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson,

Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 54, An act relating to foreign insurance companies doing business in this State, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Brown, Bruner, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 57, An act to amend section 3 of chapter 34 of the Session Laws of 1876, being an act entitled "An act to provide for the assessment and collection of taxes," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the



passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 411, An act for the relief of persons therein named, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number votes cast, 105; constitutional majority, 65. Yeas, 100; nays, 5; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bishop, Clark, Gilmore, Hossack, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 168, An act relating to deeds and conveyances, was read the third time, and the question

being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policy-holders, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Brown, Bruner,

Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bower, Clark, and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 108, An act to repeal chapter 76 of the Statutes of 1877, being an act entitled "An act authorizing a bounty upon wolf, coyote, wild-cat, fox, and rabbit scalps," approved March 6, 1877, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Dan-



haur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Harts-horne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Dan-haur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Far-

ris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 55, An act to regulate insurance, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.) Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy,

Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, and Miller.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick,

McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 217, An act to amend section 84 of chapter 81 of the general laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman,



Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 218, An act for the relief of Neosho county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Dannahur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Faris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Harts-horne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 406, An act for the relief of Neosho county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 102; nays, 3; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice,

Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds, was read the third time.

By consent, the following amendments were inserted:

In 3d section, 16th line, strike out "issued," and insert "delivered."

At close of 6th section, insert the following: "and any such officers neglecting or refusing to levy such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied during such year, or imprisoned in the county jail for a term not less than three nor more than twelve months."

Strike out the 8th section, and number the remaining sections to correspond.

The question then being, Shall the bill pass as amended? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 99; nays, 6; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of LaBette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt,

Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark, Gilmore, Gable (Frank M.), Greever, James of Wyandotte, and Morgan.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for Senate bill No. 165, An act for the relief of George R. Sommers, of Marshall county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson, Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 18, An act to authorize the State Auditor and State Treasurer to administer oaths in certain cases, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 103; nays, 2; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Callen, Calvin, Congdon, Cool, Cunningham, Dhanahur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Clark and Gilmore.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Blackman, Bronson,

Butts, Clapp, Clogston, Corbin, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Huffaker, Hutchison, Randolph, Rath, Rice, Richards, Riggs, Seaton, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Waite, of Pawnee, moved to reconsider the vote by which substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, was ordered engrossed for a third reading, which motion prevailed.

Mr. Bronson offered a substitute for the sections 10 to 35 inclusive, making provision for the Seventh Judicial District; the same to be composed of the counties of Butler, Cowley, Greenwood, Elk and Chautauqua.

Mr. Clogston demanded that the county of Greenwood should be excluded from the provisions of this bill. Agreed to.

Mr. Callen (speaking for Mr. Huffaker, who was absent on account of illness,) demanded that the county of Morris be excluded from the provisions of the bill. Agreed to.

The amendment, as proposed by Mr. Bronson, with the exceptions noted, was agreed to.

Mr. Waite, of Pawnee, moved that the bill, as amended, be considered engrossed, and ordered to a third reading now, which motion prevailed, and substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 106; constitutional majority, 65. Yeas, 97; nays, 9; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Cool, Danhaur, Donahue, Eckles, Ellison, Ewing, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hossack, Humes, James of Shawnee, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Clark, Cunningham, Eastland, Martin of Kingman, Morgan, Smith of Bourbon, Stewart, and Woodard.

Gentlemen absent or not voting were: Messrs. Ballard, Bevins, Blackman, Blanchard, Corbin, Eggers, Farris, Faulkner, Gable (Thos. P.), Greiffenstein, Henderson, Huffaker, Hutchison, Kelley, McCrumb, Randolph, Richards, Scott, Seaton, Tallman, Tucker, Wait of Lincoln, and Wait of Linn.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title amended so as to conform to the bill, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 116, An act to provide for the redemption of real estate sold under execution, order of sale, or other final process, and repealing all laws in conflict therewith, was read the third time.

Mr. Humes called up an amendment offered by him in committee of the whole, to strike out "two" and insert "four," and renewed the same. The motion to amend did not prevail.

Mr. Biddle renewed his amendment offered in committee of

the whole, to strike out "two" and insert "one." The motion did not prevail.

The bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 66; nays, 34; absent or not voting, 29.

Pending the announcement of the result, a call of the House was demanded, on motion of Mr. Hartshorne, and the following absentees reported: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Bishop, Boggs, Clapp, Clark, Corbin, Gillespie, Hall, Hankins, Hossack, Huffaker, Hutchison, Leonard, Majors, McCrumb, Parsons, Randolph, Richards, Smith of Marshall, Wait of Linn, Willey, and Wright.

The Sergeant-at-Arms was instructed to bring in the absentees.

The Sergeant-at-Arms reported, with Messrs. Clark, Gillespie, and Willey.

Mr. Biddle moved that the members in custody be fined one dollar each, and that they remain in custody until such fine be paid. The motion did not prevail.

On motion of Mr. Stumbaugh, the members were released from custody.

On motion, further proceedings under the call were dispensed with.

The roll-call was continued, with the result indicated:

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Berry, Blanchard, Breyfogle, Bruner, Bull, Butts, Callen, Calvin, Clark, Cunningham, Danhaur, Eckles, Eggers, Ellison, Ewing, Farris, Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hewins, James of Shawnee, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Morgan, Myers, Parsons, Prunty, Rath, Rice, Robb, Rood, Scott, Shaw, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Biddle, Bissell, Bower, Bronson, Brown, Donahue, Eastland, Faulkner, Fisler, Gilmore, Godfrey,



Hamilton of Norton, Hodge, Humes, Kelley, Kennedy, Kollock, Manning, Miller, Moore, Price, Raybell, Riggs, Sallee, Selover, Smith of Bourbon, Smith of Marshall, Spilman, White, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Beaty, Bevins, Bishop, Blackman, Boggs, Briggs, Brinkman, Clapp, Clogston, Congdon, Cool, Corbin, Gable (Frank M.), Greiffenstein, Hankins, Henderson, Hossack, Hufaker, Hutchison, Majors, McCrumb, Randolph, Richards, Seaton, Tallman, Wait of Lincoln, Wait of Linn, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 104, An act to authorize the county of Johnson to take up and re-fund a portion of its bonded indebtedness.

Also, Senate bill No. 41, An act making an appropriation to build a State Normal School at Emporia.

HENRY BRANDLEY, *Secretary.*

By consent, Mr. Callen offered House concurrent resolution No. 43, which was read, as follows:

*Whereas*, A preliminary survey has been made of the Kansas river from Junction City, Kansas, to the mouth of said river; and

*Whereas*, The engineer in charge of said survey has reported favorably, and deems said river susceptible of improvement by a comparatively small outlay of money, so that it will be navigable to steamboats of light draft; and

*Whereas*, The prosecution of said work of improvement is of vital and vast importance to the commercial and general interests of the State of Kansas: therefore,

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein*, That the United States Senators and members of Congress from this State are respectfully requested, urged and instructed to use all honorable means in their power

and their utmost endeavors, to secure at an early date an appropriation of eight thousand dollars for a thorough survey of the Kansas river from Junction City to the mouth of said river.

*Resolved*, That a copy of these resolutions be forwarded to the President and Vice President of the United States, the Secretary of War, and each United States Senator and member of Congress of the United States.

On motion, the rules were suspended, and the resolution was adopted.

#### REPORTS OF STANDING COMMITTEES.

Mr. Manning, chairman of the Committee on Municipal Indebtedness, submitted the following report:

MR. SPEAKER: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay interest and principal on township bonds, and to fix the maximum thereof, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

E. C. MANNING, *Chairman*.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 136, An act to authorize the township of Toledo, Chase county, Kansas, to use the surplus of its general fund to pay interest on its township bonds, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 4, An act fixing the time for holding the terms of the District Court in Clay county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 17, An act to amend section 2 of chapter 69 of the Session Laws of 1877, approved March 3, 1877, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 19, An act to amend section 1, chapter 77, Laws of 1877, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

Mr. Leonard, chairman of the Committee on State Affairs, submitted the following report:

MR. SPEAKER: Your Committee on State Affairs, to whom was

referred Senate bill No. 164, An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed as amended by the committee, and that it be made the special order for to-morrow evening at 7:30 o'clock. M. R. LEONARD, *Chairman*.

Mr. Manning moved that the report of the committee be agreed to, which motion prevailed.

By consent, Mr. Riggs, chairman of the Committee on Judiciary, submitted the following reports:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 48, An act relating to the admission of persons to practice law, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate bill No. 6, An act to avoid floating liens on real estate, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 408, An act to amend sections 5 and 6 of an act entitled "An act in relating to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," chapter 39, Laws of 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 409, An act to amend section 5, chapter 88 of the Laws of 1870, being an act entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases," have had the same under consideration, and instruct me to report the bill back to the House with the recom-



mendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 398, An act to authorize county commissioners to construct roads, on petition of a majority of resident land-owners along and adjacent to the line of said road, and to repeal all acts and parts of acts in conflict therewith, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House bill No. 306, An act to amend sections 6 and 7 of chapter 117 of the Laws of 1877, entitled "An act authorizing the appointment of a Commissioner of Fisheries, and for the protection of fish in the waters of the State of Kansas, and making appropriations for the salary of the Commissioner," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

S. A. RIGGS, *Chairman*.

By consent, Mr. Legate presented petition of Thos. T. Wilson and 1,000 other citizens of Leavenworth county, in relation to the building of a bridge. Referred to Committee on Roads and Highways.

Mr. Congdon presented petition of E. Ginslin, A. Markwell, and 54 other citizens of Newton, praying an amendment to the dramshop act. Referred to the Committee on Temperance.

On motion, the House, at 12:15 o'clock, adjourned.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 4, 1879. }  
1:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Beaty, Berry, Bid-  
dle, Bissell, Blanchard, Bower, Breyfogle, Briggs, Bronson, Bru-

ner, Bull, Calvin, Clapp, Clark, Cool, Cunningham, Danhaur, Ellison, Ewing, Farris, Faulkner, Gable (Thos. P.), Gillespie, Gilmore, Godfrey, Hall, Helmick, Hewins, Hodge, Humes, Kelley, Kennedy, Kollock, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barber, Barrackman, Bevins, Bishop, Blackman, Boggs, Brinkman, Brown, Butts, Callen, Clogston, Congdon, Corbin, Donahue, Eastland, Eckles, Eggers, Fisler, Gable (Frank M.), Games, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Loy, McClintick, Miller, Randolph, Richards, Seaton, Stumbaugh, Wait of Linn, Waite of Pawnee, Watson, and White.

Quorum present.

By consent, the following bills were ordered to a third reading on the calendar:

Substitute for House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness.

House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875.

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county.

Upon motion of Mr. Legate, the rules were suspended and appropriation bills on the calendar on third reading were considered.

Substitute for House bill No. 35, An act making an appropriation for the erection of additional buildings for the Insane Asylum

at Osawatomie, and for the completion of said asylum, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 101; constitutional majority, 65. Yeas, 80; nays, 21; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Eggers, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Godfrey, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Kollock, Legate, Loy, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Miller, Moore, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Bissell, Blanchard, Briggs, Clark, Donahue, Ellison, Gilmore, Hall, Hamilton of Marshall, Hamilton of Norton, Humes, Keller, Kelley, Martin of Labette, Morgan, Rood, Smith of Marshall, Tucker, White, and Wilson of Jackson.

Gentlemen absent or not voting were: Messrs. Bevins, Bronson, Brown, Callen, Corbin, Eastland, Eckles, Farris, Gillespie, Greever, Greiffenstein, Hartshorne, Hankins, Hossack, Huffaker, Lawson, Leonard, Majors, Manning, McClintick, McKay, Parsons, Randolph, Richards, Seaton, Stumbaugh, Wait of Linn, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 37,

requesting certain action with reference to the institution of a suit for the purpose of settling the title to certain indemnity lands.

And has passed the following bills:

Senate bill No. 158, An act regulating the time for holding schools in the State of Kansas.

Senate bill No. 137, An act to amend section 7 of an act to enable municipal townships to subscribe for stock in any railroad, and to provide for the payment of the same, approved February 25, 1870.

Senate bill No. 138, An act to enable the County Commissioners of any county to dispose of lands and town lots held by the county for delinquent taxes for three years, and to repeal section 35 of chapter 34, Laws of 1876.

Senate bill No. 189, An act to authorize and empower the Board of County Commissioners of Montgomery county, Kansas, to audit and pay the claim of A. Woodall.

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed the further consideration of House concurrent resolution No. 42, in relation to printing.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE.

Mr. Legate moved that the House resolve itself into committee of the whole for the consideration of appropriation bills on the calendar, which motion prevailed.

The House then went into committee of the whole, with Mr. Anderson, of Cherokee, in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration appropriation bills on the calendar, and instruct me to report the following recommendations:

Substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same, with the recommendation that it be passed as amended.

Substitute for House bill No. 135, An act making an appro-



priation to rebuild the State Normal School buildings at Emporia, with the recommendation that Senate bill No. 41 be substituted therefor, and passed as amended.

Substitute for House bill No. 239, An act making an appropriation to support the Institution for the Deaf and Dumb, and to provide for the current expenses thereof during the fiscal years ending June 30, 1880, and June 30, 1881, with the recommendation that it be passed.

Substitute for House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the year ending June 30, 1879, with the recommendation that it be passed as amended.

House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, with the recommendation that it be passed.

Substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880 and 1881, with the recommendation that it be passed as amended.

Substitute for House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum at Leavenworth, with the recommendation that it be passed as amended.

T. P. ANDERSON, *Chairman.*

#### REPORTS OF STANDING COMMITTEE.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 118, An act conferring the rights of majority on Theodore Juek, Henry Bell, *et al.*, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bills Nos 86 and 188, An act to amend section 1 of chapter 35 of the Statutes of 1868, being an act entitled "An act to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 140, An act to amend section 76, article 11, and section 79, article 12 of chapter 34 of an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 144, An act to provide for the selection and purchase of a site and the erection and equipment of State Reform School buildings, and making an appropriation therefor, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 181, An act making appropriations for the Home for Friendless Women, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 202, An act to amend section 1, chapter 118 of the Session Laws of 1877, entitled "An act for the protection of birds," have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 226, An act to amend section 1 of chapter 81, Statutes of 1868, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatomie, for the fiscal years ending June 30, 1880 and 1881,

have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 212, An act to amend section 28 of article 4, chapter 122 of the Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. —, An act regulating the salaries of County Clerks and County Treasurers of Osborne, Phillips and Rooks counties.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Biddle, all bills reported on favorably from the committee of the whole were ordered engrossed, for a third reading.

Mr. Legate moved that all appropriation bills be placed at the head of the calendar for a third reading. The motion did not prevail.

#### COMMUNICATION FROM W. C. WEBB.

The Speaker laid before the House the following communication:

TOPEKA, March 4, 1879.

*Hon. Sidney Clarke, Speaker of the House of Representatives, Topeka, Kansas*—SIR: I have the honor herewith to hand you the accompanying communication, addressed to the members of the Legislature, and to request that you lay the same before the House.

Most respectfully, etc., W. C. WEBB.

*To the Members of the Legislature:*

The proceedings of the Senate of the 28th of February, as published in the *Commonwealth*, show that Senate bill No. 186, "An act to authorize the Secretary of State to purchase 3,000 copies of the statutes of Kansas," was introduced in the Senate on Friday last. What the present status of the bill is, I do not know; but I learn from an editorial in the *Commonwealth* of Saturday morning, that the bill provides for the purchase of a new compilation of the present statutes, to be hereafter made and published.

In view of the action of the Legislature heretofore taken, (as I read it in the public prints from time to time,) and of that now proposed, I owe it to myself, as one of the Revisers appointed under the act of 1877, to submit some facts and matters for your consideration before final action in the premises is taken by you. I have several times been upon the point of addressing a communication to you, when reading in the newspapers resolutions proposed or adopted by either house concerning the revision and the Revisers, and have only been restrained because not officially notified of such action at all, except in one instance, and that not until more than ten days after the date of the resolution. It now seems to be a duty I owe alike to the Legislature and myself, to make some statement regarding the revision, and with respect to Senate bill No. 186.

When my associates (Messrs. Stillings and Simpson,) and myself were appointed Revisers of the statutes, we entered upon the work of revision with the full determination to perform the entire work at the earliest day possible. From our long experience as members of the bar, and in framing laws as members of the Legislature, we supposed that we knew about the amount of time and labor required to perform the duties prescribed by the act providing for the revision; but it soon became apparent that we had greatly misjudged. Proceeding to carefully and critically examine the existing laws, both as to substance and phraseology, we found that there were but very few sections in the entire body of the statutes, from 1868 to 1877, inclusive, which did not, under the terms and requirements of the statute under which we had been appointed, need to be rewritten or wholly supplied. The body of the statutes had come down from Territorial days, when they had been hurriedly borrowed from the statutes of other and different States, and often badly mutilated in the attempt to adapt them to the supposed needs of the people here. Portions of the older chapters, and many of the enactments of later sessions, were taken in whole or in part from the laws of different States, whose constitutions were unlike each other, and of course unlike the constitution of Kansas; and statutes thus taken from different States, where they had been drawn with reference to different and conflicting policies, of necessity must be very inharmonious. The Revisers, by the act of 1877, were required to make a plain, certain and harmonious revision of all the general laws, with reference to the general policy of the State, as indicated by the constitution, general legislation, and judicial decisions of our own State, omitting inconsistent and incongruous provisions and sections, and substituting such new and additional provisions as might seem to be necessary. As before stated, when the Revisers entered upon the performance of the work confided to them, they soon discovered that the utmost care was demanded, and that the labor required was more than five times as great as they had previously supposed. To make a *mere compilation* of the statutes in force at any given date, is the work of but two or three weeks at most, and can be wholly performed by one person in that time; but to revise the *single chapter* relative to "public offenses"—(which was completed by the Revisers and



printed in the fall of 1877)—in accordance with the act authorizing the revision, occupied the whole time of the Revisers for a period exceeding two months. And here it is proper to say, that nearly three hundred pages of the revision were printed and ready for the Legislature when it convened in January, and several chapters have since been printed. In addition to this, the whole work, as contemplated by the act authorizing "*a complete revision of all the general laws of Kansas*," including the Laws of 1877, has been so far advanced, that it could now be completed and printed inside of sixty days.

I know that complaint has been made, and not without cause, because the work was not done before the present Legislature met. No one regrets the failure to have it done more than the Revisers themselves. This is not a proper place—nor if it were would it be proper for me to speak for my associates without their authority—to make any apologies, or offer any excuses. But I may say, that the revision, so far as it has been completed and determined upon, has been most carefully and conscientiously made, and that in my judgment it would be far more to the interest of the State if the Legislature would adopt what has been completed—making such changes therein as in its wisdom may seem to be necessary—than to order or purchase any "compilation" of the laws as they now stand upon the statute books. With respect to the character of the work done by the Revisers, I may be pardoned if I quote the following high indorsement, which I understand has already been acted upon by the House, and the chapter referred to passed by that body without a single material amendment:

OFFICE OF THE AUDITOR OF STATE, }  
TOPEKA, KANSAS, Feb. 24, 1879. }

HON. SIDNEY CLARKE, *Speaker of the House*:

SIR: Section 1 of chapter 180 of the Session Laws of 1872, provides, among other things, that the State officers "shall mention all the apparent defects, inconsistencies, omissions, unequal laws which they shall severally discover, for the purpose of enabling the Legislature to make such amendments as will tend to perfect the statute laws of the State."

In pursuance of the foregoing provisions, we would respectfully call the attention of the Legislature to chapter — of the report of the Committee on Revision, embodying a proposed act entitled "An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State." We have severally examined the act mentioned, and would respectfully suggest that the passage of said act, with the modifications and amendments which the wisdom of the Legislature may suggest, would be an advantage to the State, and a great assistance to the several State departments.

We have the honor to be, very respectfully, your obedient servants,

JOHN P. ST. JOHN, *Governor*.

JAMES SMITH, *Secretary of State*.

P. I. BONEBRAKE, *Auditor of State*.

JOHN FRANCIS, *Treasurer of State*.

ALLEN B. LEMMON, *Supt. Pub. Inst.*

When the State officers so emphatically and unanimously approve of the labor of the Revisers, although given in terms only as to a single chapter, it may not be improper for the Revisers to ask members of the Legislature to examine the other completed chapters carefully and criti-

cally, and see whether it would not be to the interest of the State to enact them into laws at the present session. If they will do so, or will enter upon such work, and recommend to the Governor that he call an extra session to convene in sixty or ninety days, I pledge the Legislature that on the convening of such extra session the *entire revision*, as contemplated by the act of 1877, shall be finished and printed ready for their use. The revised laws, if enacted as proposed, can be printed and bound ready for use, under the foregoing suggestion regarding an extra session, during the ensuing summer. And at an extra session, the members, especially those of the House, which was almost wholly new when it met in January, could return with all the advantages to themselves and their respective constituencies which must result from experience; and as all the bills on the calendar will die with the adjournment of their present session, they could and would enter upon the consideration of the revision unembarrassed by pending bills to amend, or repeal, or supply, the very matters which the revision itself has generally corrected.

Most respectfully,

W. C. WEBB.

Mr. Manning moved that it be referred to Committee on Revision of Laws.

Mr. Hodge moved to lay the report on the table, which motion prevailed.

#### APPOINTMENTS.

The Speaker made the following announcements:

By virtue of the authority vested in me, I hereby appoint Miss Mary E. Devendorf Fifteenth Assistant Enrolling Clerk of the House of Representatives.

(Signed)

SIDNEY CLARKE,

*Speaker of the House.*

Miss Devendorf came forward, and subscribed to the following oath of office:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and will faithfully discharge the duties of Fifteenth Assistant Enrolling Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed)

MARY E. DEVENDORF.

Subscribed and sworn to before me, this 4th day of March, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

I also appoint Miss A. M. Twyman Ninth Assistant Engrossing Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Twyman appeared, and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully perform the duties of Ninth Assistant Engrossing Clerk of the House of Representatives. So help me God.

(Signed) A. M. TWYMAN.

Subscribed and sworn to before me, this 4th day of March, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

On motion of Mr. Kelley, at 6:15 o'clock P. M., the House adjourned.

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 4, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clark, Clogston, Congdon, Cool, Danhaur, Eckles, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Legate, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Rice, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite

of Pawnee, Watson, White, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Cherokee, Baker, Beaty, Bevins, Blackman, Briggs, Brown, Callen, Corbin, Cunningham, Donahue, Eastland, Eggers, Ellison, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hall, Harts-horne, Henderson, Hossack, Huffaker, Keller, Kennedy, Lawson, Leonard, Majors, McClintick, Randolph, Raybell, Richards, Scott, Seaton, Smith of Marshall, Stewart, Wait of Lincoln, Walker, Willey, and Wright.

Quorum present.

Mr. Hodge offered the following resolution:

*Resolved*, That speeches be limited to three minutes on any one bill or amendment, when in committee of the whole.

The resolution was adopted.

Mr. Legate moved that House bill No. 364, An act in relation to the support of common schools, be advanced from bills on general orders to bills on third reading, on the calendar. The motion prevailed.

Mr. Morgan moved that House bill No. 305, An act to amend sec. 76, art. 8, ch. 92 of the General Statutes of 1868, be advanced from bills on general orders to bills on third reading, which motion prevailed.

Mr. Ballard moved that the House proceed to the consideration of Senate bills on third reading, which motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 186, An act to authorize the Secretary of State to purchase 3,000 copies of the statutes of the State of Kansas, and making an appropriation therefor.

Senate bill No. 145, An act providing for the engrossing and enrolling of the bills, resolutions, etc., of the Legislature, and fixing the compensation thereof.

Senate bill No. 113, An act supplemental to the act to establish a code of civil procedure, being chapter 80, General Statutes, and repeal chapter 121 of Session Laws of 1875.



Senate bill No. 114, An act to amend an act entitled "An act concerning district courts," approved February 25, 1868.

HENRY BRANDLEY, *Secretary*.

#### COMMITTEE OF THE WHOLE.

The hour of 7:30 P. M. having arrived, the House resolved itself into committee of the whole, for the consideration of bills on the calendar, Mr. Manning in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

House bill No. 247, An act creating the office of Land Commissioner for the State of Kansas, and defining the duties of such Commissioner, and providing for the sale and conveyance of certain State lands therein named, with the recommendation that the enacting clause be stricken out.

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State, with the recommendation that it retain its place on the calendar.

House bill No. 101, An act fixing the terms of the district court in the counties composing the Ninth Judicial District, with the recommendation that it retain its place on the calendar.

Substitute for House bill No. 230, An act to amend chapter 92 of the Laws of 1876, relating to townships and township officers, with the recommendation that it be passed.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands, with the recommendation that it be passed.

House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872, with the recommendation that it be passed as amended.

House bill No. 276, An act to provide for the taxation of State Normal School lands, when sold, with the recommendation that it be passed.

House joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors, by adding section 10 to said article, with the recommendation that Senate joint resolution No. 3 be substituted therefor, and that it be passed.

Senate bill No. 8, An act to organize and regulate the insane asylums of the State, and repealing chapter 9 of the General Statutes of 1868, with the recommendation that it be placed on the calendar on third reading, subject to amendment and debate.

Senate bill No. 9, An act to further define the duties of the institutions for the blind, the deaf and dumb, and of the asylums for the insane, with the recommendation that the enacting clause be stricken out.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868, with the recommendation that it be passed.

Substitute for House bill No. 49, An act relating to mills and millers, and amendatory of chapter 65, General Statutes of 1868, with the recommendation that it be made the special order for the night of the 18th inst.

House bill No. 279, An act regarding the distribution and sale of Supreme Court reports, with the recommendation that it be passed.

House bill No. 296, An act regulating the time of holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools, with the recommendation that Senate bill No. 158 be substituted therefor, and passed.

House bill No. 281, An act to attach all unorganized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties, with the recommendation that it be passed as amended.

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1875, with the recommendation that it be passed.

House bill No. 221, An act declaring the district clerk *ex officio* register of deeds, prescribing his duties therein, and abolishing the office of register of deeds, as existing under the present law, with the recommendation that the enacting clause be stricken out.

House bill No. 190, An act to amend section 1, chapter 57 of Laws of 1876, being "An act to amend section 27, chapter 23 of the General Statutes of the State of Kansas," with the recommendation that it be passed.

House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves, with the recommendation that it be passed as amended.

House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock, with the recommendation that it be passed.

House bill No. 165, An act to authorize cities of the second class to surrender their charters, and to organize towns, with the recommendation that Senate bill No. 147 be substituted therefore, and passed.

House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1879, with the recommendation that it be passed.

House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State, with the recommendation that it be passed.

House bill No. 280, An act to amend chapter 39 of Laws of 1874, being "An act to issue bonds to build bridges, and other works of internal improvement," with the recommendation that the enacting clause be stricken out.

E. C. MANNING, *Chairman.*

The report of the committee was accepted, and adopted.

Upon motion of Mr. Riggs, the bills reported upon favorably were ordered engrossed for a third reading.

Mr. Riggs moved that all House and Senate bills reported favorably upon by committees be ordered to a third reading.

The motion prevailed, and the following bills were ordered to a third reading :

#### HOUSE BILLS.

House bill No. 56, An act concerning and regulating the rights, powers and duties of railway companies and common carriers in this State.

House bill No. 101, An act fixing the terms of the district courts in the counties composing the Ninth Judicial District.

Substitute for House bill No. 230, An act to amend chapter

92 of the Laws of 1875, relating to townships and township officers.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands.

House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24th, 1872, being chapter 193 of the Session Laws of Kansas for 1872.

House bill No. 276, An act to provide for the taxation of State Normal School lands, when sold.

Substitute for House bill No. 49, An act relating to mills and millers, and amendatory of chapter 65, General Statutes of 1868.

House bill No. 279, An act regarding the distribution and sale of Supreme Court Reports.

House bill No. 296, An act regulating the time of holding schools in Kansas, and amending chapter 123 of the Laws of 1874, relating to compulsory attendance at schools.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876.

House bill No. 221, An act declaring the district clerk *ex-officio* register of deeds, prescribing his duties therein, and abolishing the office of register of deeds, as existing under the present law.

House bill No. 190, An act to amend section 1, chapter 57, Laws of 1876, being "An act to amend section 27, chapter 23, of the General Statutes of the State of Kansas."

House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves.

House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock.

House bill No. 105, An act to authorize cities of the second class to surrender their charters and to organize towns.

House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875.



House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

House bill No. 280, An act to amend chapter 39 of Laws of 1874, being "An act to issue bonds to build bridges and other works of internal improvement."

House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to provide for the building of bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund.'"

Substitute for House bill No. 288, An act relating to hedge fences along public highways, and dividing farms.

House bill No. 246, An act to amend section 13 of chapter 16 of the General Statutes of 1868, being "An act to provide for the building of bridges."

House bill No. 346, An act protecting municipalities in their subscriptions to the capital stock of railway companies.

House bill No. 172, An act to enable municipal corporations, the boards of education of any city, and school districts, to refund their indebtedness.

House bill No. 219, An act to amend section 97 of chapter 81 of the general laws of Kansas of 1868, entitled "An act regulating the jurisdiction and procedure before justices of the peace in civil cases," approved March 2, 1868.

House bill No. 348, An act to amend sections 81, 87, 88, of chapter 60 of the Session Laws of 1871.

House bill No. 305, An act to amend section 76, article 8, chapter 92, Statutes of 1868.

Substitute for House bill No. 272, An act amending section 260 of chapter 31, article 7, Laws of 1868, entitled "An act regulating crimes and punishments," approved March 3, 1868.

Substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880 and 1881.

Substitute for House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum, at Leavenworth.

Substitute for House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

Substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle.

Substitute for House bill No. 343, An act to amend an act approved March 2, 1877, entitled "An act to amend section 1 of an act approved February 25, 1876, entitled 'An act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of the Laws of 1874.'"

House bill No. 344, An act entitled "An act to amend an act entitled 'An act concerning the location and removal of county seats,'" approved March 2, 1868.

House bill No. 329, An act to authorize money belonging to the interest and sinking fund of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts.

House bill No. 336, An act to authorize the boards of county commissioners in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

House bill No. 341, An act to enable the several counties of the State of Kansas to amend the operation and effect of chapter 193 of the Session Laws of 1872, known as the "herd law."

House bill No. 345, An act to apportion the State for Senators and Representatives.

House bill No. 97, An act regulating the interest on money, and providing penalties for violation thereof.

Substitute for House bill No. 240, An act amendatory of and supplemental to chapter 25 of the General Laws of 1868.

House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868.

House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

Substitute for House bill No. 198, An act providing for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

House bill No. 369, An act for the regulation and support of common schools.

House bill No. 362, An act to authorize money belonging to the interest and sinking fund of certain townships to be transferred to the general fund of such township.

Substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same.

House bill No. 310, An act amendatory of an act to provide for the time for holding court in the Fifth Judicial District, approved March 3, 1877.

House bill No. 366, An act to prescribe certain duties of probate judges and county clerks in counties of 25,000 inhabitants, and upwards.

House bill No. 364, An act in relation to the support of common schools.

House bill No. 323, An act to authorize the Board of County Commissioners of Reno county to transfer certain funds of school districts to other funds in the same districts.

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

House bill No. 374, An act authorizing the County Treasurer of Labette county to transfer the unexpended balance of bond fund to the general fund of certain townships, cities and school districts of such county.

House bill No. 360, An act to annul an act entitled "An act relating to stock," being chapter 105 of the General Statutes of 1868.

House bill No. 174, An act to amend section 3 of an act entitled "An act for the appointment of a Commissioner of Fisheries, and for the protection of fish in the waters of the State of Kansas," and the repeal of section 3, chapter 117, Laws of 1877.

House bill No. 361, An act relating to barbed-wire fences.

House bill No. 355, An act vacating certain alleys in the city of Cawker City, in the county of Mitchell, and State of Kansas.

House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county.

House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor.

House bill No. 375, An act to vacate a certain alley in the city of Chetopa.

House bill No. 334, An act to legalize the official acts of A. P. Boswell, as Trustee of Parker township, in Montgomery county, Kansas, and as County Commissioner of Montgomery county, Kansas.

House bill No. 382, An act to authorize executors and administrators with the will annexed to convey real estate in pursuance of power contained in the will.

Substitute for House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas.

House bill No. 314, An act to provide for the publication of the laws in county newspapers in the State of Kansas.

House bill No. 377, An act to authorize the Board of County Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river in Clay county.

House bill No. 301, An act to restrain vagrancy and common beggary.

Substitute for House bill No. 135, An act making an appropriation to rebuild the State Normal School buildings at Emporia.

House bill No. 365, An act to define the boundaries of Labette and Cherokee counties.

House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio.

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

House bill No. 248, An act regulating mines and mining in the State of Kansas.

House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness.

Substitute for House bill No. 239, An act making an appropriation to support the Institution for the Deaf and Dumb, and to provide for the current expense thereof during the fiscal years ending June 30, 1880, and June 30, 1881.

House bill No. 389, An act to amend section 13, article 2 of school laws.

House bill No. 350, An act to amend an act entitled "An act



to authorize the construction of levees and drains," approved March 3, 1870, and supplemental thereto.

House bill No. 173, An act to authorize Oswego township, in Labette county, to take up and cancel its outstanding bonds, and to issue other bonds for such purpose, and to provide for the payment of the same.

House bill No. 393, An act to vacate a part of an alley in the city of Oswego, in Labette county.

House bill No. 385, An act to vacate a portion of a State road.

House bill No. 322, An act in relation to ditches and sluiceways, and to provide for a levy of a tax to pay for the construction of the same.

Substitute for House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the year ending June 30, 1879.

House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee.

Substitute for House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881.

House bill No. 391, An act authorizing private persons to lay off and establish cemeteries.

House bill No. 403, An act concerning district courts, and prescribing certain duties of the judges thereof.

House bill No. 245, An act to vacate the office of county assessor, to prescribe the duties thereof, and to repeal all acts and parts of acts in conflict herewith.

House bill No. 6, An act providing for the redemption of real estate sold for taxes to any city or county, and remaining unredeemed and the certificate untransferred.

House bill No. 64, An act to repeal chapter 39 of the general laws of Kansas of 1877, entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate," approved March, 1877.

House bill No. 387, An act to legalize the incorporation of the city of McPherson, Kansas, and the subsequent acts of its City Council.

House bill No. 372, An act authorizing the County Commis-

sioners of Kingman county to issue bonds to pay outstanding county indebtedness.

House bill No. 405, An act to amend section 4 of chapter 16 of the General Statutes of the State of Kansas, entitled "An act to provide for the building of bridges."

House bill No. 410, An act to amend an act providing for the apportionment of the State of Kansas into three Congressional districts, approved March 2, 1874.

House bill No. 413, An act to establish a State road from Nickerson, Reno county, to Kingman, Kingman county, Kansas.

House bill No. 402, An act for the relief of James P. Cooper, County Treasurer of Mitchell county, State of Kansas.

House bill No. 371, An act to legalize the acts of the School Board of District No. 13, Linn county, Kansas.

House bill No. 342, An act authorizing Burlington township, Coffey county, Kansas, to issue bonds to re-fund the indebtedness of said township.

House bill No. 412, An act to authorize the School Board of District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental funds to assist in the erection of a school house.

House bill No. 394, An act to legalize the survey of Tell W. Walton, in Wellington, Sumner county, Kansas.

House bill No. 331, An act to amend section 19 of chapter 39 of the Statutes of 1868, concerning fees, approved March 2, 1868, entitled "An act act fixing the fees of certain officers and persons therein named."

House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875.

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, A. D. 1880, and June 30, A. D. 1881.

Substitute for House bills Nos. 93 and 338, An act to provide for the payment of costs in cases of misdemeanors and preliminary examinations before justices of the peace, and to repeal all acts and laws conflicting herewith.

House bill No. 414, An act to vacate a portion of the town site of the city of Lyndon, Kansas.

House bill No. 213, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city,

township or county hereafter subscribing to stock of any railroad company.

#### SENATE BILLS.

The following Senate bills were ordered to a third reading:

Senate bill No. 8, An act to organize and regulate the Insane Asylums of the State, and repealing chapter 9 of the General Statutes of 1868.

Senate bill No. 9, An act to further define the duties of the Institutions for the Blind, the Deaf and Dumb, and of the Asylums for the Insane.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868.

Senate bill No. 3, An act to amend chapter 16, General Statutes, in relation to bridges.

Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 13, chapter 122, Laws of 1876; section 5, chapter 124, Laws of 1874; chapter 124, Laws of 1876; and chapter 44, Laws of 1877.

Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove.

Senate bill No. 155, An act providing for the reception of United States prisoners in the county jails and Penitentiary of the State of Kansas.

Senate bill No. 44, An act to provide for the better protection of people who assemble in public halls and places of amusement, and who travel by rail, in the State of Kansas.

Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122, of the Laws of 1876, being "An act for the regulation and support of common schools."

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same.

Senate bill No. 58, An act in relation to the State Historical Society.

Senate bill No. 62, authorizing mining corporations to improve and cultivate the surface of such land as they may have in possession.

Senate bill No. 59, An act to authorize the Township Trustee

of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A. T. & S. F. Railroad Company, which is now held or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township.

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same.

Senate bill No. 10, An act to provide for the enrollment of the military for the organization of the National Guards of the State of Kansas, and for the public defense.

Senate bill No. 55, An act in relation to the death penalty, and to amend an act to establish a code of civil procedure, and supplemental thereto.

Substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose.

Senate bill No. 84, An act to amend sections 13 and 19 of an act entitled "An act fixing the fees of certain officers and persons therein named," chapter 39, General Statutes of 1868.

Senate bill No. 77, An act to enable the Board of County Commissioners of Coffey county, Kansas, to purchase the Leroy bridge.

Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

Senate bill No. 79, An act to repeal an act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate.

Senate bill No. 164, An act in relation to State Department, the powers and duties of State officers, the official State paper, and the great seal of the State.

Senate bill No. 72, An act enabling counties to make donations or appropriations to railroads or public improvements out of surplus revenue.

Senate bill No. 26, An act authorizing and directing County



Commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same.

Senate bill No. 5, An act authorizing the appointment of stenographers for the district courts of the State of Kansas, and fixing their compensation.

Senate bill No. 152, An act for the relief of certain persons therein named.

Senate bill No. 111, An act authorizing the Board of County Commissioners of Kingman county to issue bonds to fund its outstanding indebtedness.

Senate bill No. 163, An act to authorize the township of Blue Rapids City, in Marshall county, Kansas, to issue bonds to protect roads and bridges in said township.

Senate bill No. 142, An act to enable the County Commissioners of Lyon county, in the State of Kansas, to appropriate certain moneys raised to pay interest on bonds voted by said county to the Kansas City, Emporia & Southern Railroad Company for the year 1877 to the improvement of the court house and jail of said county, and to build fire-proof offices for county officers.

Senate bill No. 153, An act to authorize school boards to transfer surplus sinking and interest funds to other funds.

Senate bill No. 172, An act to amend section 49 of an act entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons," approved February 28, 1868.

Senate bill No. 180, An act to authorize the city of Ottawa, and its corporate authorities, to levy an annual tax for the maintenance and support of its public library.

Senate bill No. 104, An act to amend section 127, article 18, relating to collection of taxes.

Senate bill No. 92, An act to amend chapter 74 of Statutes of 1873.

Senate bill No. 2, An act to authorize and empower school districts in cities of the first and second class to compromise their indebtedness.

Senate bill No. 36, An act authorizing the Township Trustee of Ellis township, Ellis county, to expend certain moneys.

Senate bill No. 52, An act to amend section 8 of article 4 of

chapter 122, relative to common schools, Laws of 1876, and supplemental thereto.

Senate bill No. 49, An act to amend an act entitled "An act defining the boundaries of counties."

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund.

Senate bill No. 4, An act to amend chapter 34, acts 1876, to provide for the assessment and collection of taxes.

#### JOINT RESOLUTIONS.

The following joint resolutions were ordered to a third reading :

House joint resolution No. 5, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture, importation and sale of intoxicating liquors, by adding section 10 to said article.

House joint resolution No. 6, section 1 of article 8 of the constitution of the State of Kansas.

House joint resolution No. 7, proposing an amendment of section 1, article 5 of the constitution of the State of Kansas, relating to suffrage.

Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding section 10 to said article.

Mr. Biddle moved to reconsider the vote by which the House adopted the report of the committee of the whole, recommending that the enacting clause be stricken out of House bill 280. The motion did not prevail.

Mr. Biddle moved that Senate bill No. 186, An act to authorize the Secretary of State to purchase 3,000 copies of the Statutes of the State of Kansas, and making appropriation therefor, Senate bill No. 84, An act to amend section 19 of an act entitled "An act fixing the fees of certain officers and persons therein named," chapter 39, General Statutes of 1868, and Senate bill No. 8, An act to organize and regulate the insane asylums of the State, and repealing chapter 9 of the General Statutes of 1868, be printed. The motion prevailed.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Substitute for Senate bill No. 144, An act to legalize and confirm the acts of the Mayor and Councilmen of the city of Sterling, in Rice county, Kansas, in vacating certain streets and parks in said city.

Senate bill No. 185, An act to ascertain and establish the permanent lines, corners and boundaries of all streets, alleys, avenues, lots, blocks, parks and public grounds of the original town site of the town of Wichita, and the several additions thereto, in the city of Wichita, Sedgwick county, Kansas.

Senate bill No. 80, An act to amend an act entitled "An act to amend the code of civil procedure, being chapter 80 of the General Statutes of 1868, and to amend section 27 of chapter 22 of the General Statutes of 1868," approved March 3, 1870.

Senate bill No. 81, An act to amend an act entitled "An act concerning district courts."

I am also directed to request the House to return to the Senate for its further consideration House concurrent resolution No. 42, relating to printing.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Gilmore, at 11:15 P. M., the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## THIRTY-NINTH DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 5, 1879. }  
9:30 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin,

Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Rice, Richards, Riggs, Robb, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Ellsworth, Berry, Bevins, Bower, Clark, Corbin, Fisler, Greiffenstein, Hartshorne, Hodge, Hossack, Huffaker, Humes, Hutchison, Kennedy, Majors, McClintick, Randolph, Raybell, Rood, Seaton, Selover, Wait of Lincoln, Wait of Linn, and Woodard.

Quorum present.

On motion of Mr. Alexander, the reading of the journal was dispensed with.

By consent, Mr. Callen introduced House bill No. 416, An act authorizing the Board of County Commissioners of Davis county to issue bonds for building bridges in said county, which was read the first and second time, and, by unanimous consent, ordered to third reading now.

House bill No. 416, An act authorizing the Board of County Commissioners of Davis county to issue bonds for the purpose of building bridges in said county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 93; nays, 1; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong,



Baker, Ballard, Barber, Barrackman, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Fidler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Norton, Hankins, Henderson, Hewins, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Rice, Richards, Riggs, Robb, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Tucker, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Bronson voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Beaty, Berry, Bevins, Bissell, Bower, Briggs, Clark, Clogston, Farris, Faulkner, Greiffenstein, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Humes, Hutchison, Kennedy, Leonard, Majors, McClintick, McMillen, Randolph, Raybell, Rood, Seaton, Selover, Tallman, Towle, Wait of Lincoln, Waite of Pawnee, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Smith, of Marshall, offered the following resolution:

*Resolved*, That the committee appointed to investigate the alleged frauds in the late Senatorial election be and they are hereby instructed to report to the House their action, not later than 12 o'clock m., Friday, March 7, 1879.

The question being on the adoption of the resolution, Mr. Stumbaugh moved to lay the resolution on the table.

Upon this motion, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 95; majority under the rule, 43. Yeas, 23; nays, 72; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Beaty, Bissell, Clapp, Eastland, Eggers, Gable (Frank

M.), Hamilton of Norton, Kelley, Martin of Kingman, McKay, McMillen, Miller, Morgan, Parsons, Prunty, Rath, Sallee, Stumbaugh, Tallman, Wait of Linn, Watson, and White.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Armstrong, Baker, Ballard, Barrackman, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Bronson, Brown, Bruner, Butts, Callen, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ellison, Ewing, Farris, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hankins, Henderson, Hewins, Humes, James of Shawnee, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McCrumb, Myers, Price, Richards, Robb, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Barber, Bevins, Bower, Brinkman, Bull, Clark, Clogston, Congdon, Faulkner, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Hutchison, Kennedy, Majors, McClintick, Moore, Randolph, Raybell, Rice, Riggs, Rood, Seaton, Selover, Taylor, Wait of Lincoln, and Wilson of Jackson.

So the motion to lay on the table did not prevail.

The question being on the adoption of the resolution, the resolution was adopted.

Mr. Stumbaugh moved that the House proceed to the consideration of bills on third reading, as they appear on the calendar. The motion prevailed.

### THIRD READING OF BILLS.

House bill No. 155, An act to amend section 48 of the Laws of 1872, entitled "An act to incorporate cities of the second class, and to repeal former acts," was reported by the Clerk.

Mr. Biddle demanded the previous question. The demand being supported, on motion the previous question was ordered on the final passage of the bill.

Whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 88; constitutional majority, 65. Yeas, 53; nays, 35; absent or not voting, 41.

Gentlemen voting in the affirmative were: Messrs. Albin, Baker, Barrackman, Biddle, Blackman, Boggs, Breyfogle, Bronson, Calvin, Clapp, Congdon, Cool, Cunningham, Danhaur, Eckles, Ellison, Ewing, Fisler, Games, Gillespie, Gilmore, Hartshorne, Hankins, Hutchison, Kollock, Lawson, Leonard, Loy, Majors, Martin of Kingman, Martin of Miami, McKay, McMillen, Moore, Prunty, Raybell, Riggs, Robb, Scott, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Taylor, Tucker, Wait of Linn, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Armstrong, Beaty, Bishop, Callen, Clark, Corbin, Donahue, Eastland, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hall, Henderson, Hewins, Humes, James of Wyandotte, Keller, Kelley, Martin of Labette, McClintick, McCrumb, Miller, Parsons, Price, Rath, Richards, Rood, Sallee, Selover, Tallman, Waite of Pawnee, White, and Wright.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Berry, Bevins, Bissell, Blanchard, Bower, Briggs, Brinkman, Brown, Bruner, Bull, Butts, Clogston, Eggers, Farris, Faulkner, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Helmick, Hodge, Hossack, Huffaker, James of Shawnee, Kennedy, Legate, Manning, Morgan, Myers, Randolph, Rice, Seaton, Smith of Marshall, Spilman, Towle, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 158, An act to amend section 2, chapter 26 of the General Statutes, entitled "An act concerning the location and removal of county seats," being reported, Mr. Anderson, of Cherokee, renewed the following amendment, which had been offered in committee of the whole:

*And provided further*, That when the county seat of any county has been located by the vote of the electors of any county, and has remained as so located for a period of twelve years or more,

it shall not be removed from such place to any point more than twelve miles from the geographical center of the county, excepting by a vote of three-fourths of the legal electors of such county.

(For technical reasons, the amendment was declared out of order by the chair.)

The bill was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 106; constitutional majority, 65. Yeas, 77; nays, 29; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bruner, Butts, Callen, Calvin, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Godfrey, Greever, Hall, Hamilton of Norton, Hartshorne, Hankins, Humes, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Lawson, Loy, Majors, Martin of Kingman, Martin of Miami, McCrumb, McKay, Morgan, Myers, Parsons, Prunty, Rath, Rice, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Armstrong, Baker, Ballard, Berry, Biddle, Bronson, Corbin, Eckles, Farris, Gillespie, Gilmore, Hamilton of Marshall, Henderson, Hewins, Hodge, James of Shawnee, Manning, Martin of Labette, McClinck, McMillen, Raybell, Sallee, Scott, Smith of Bourbon, Spilman, Stewart, Tallman, Tucker, and Wait of Linn.

Gentlemen absent or not voting were: Messrs. Bevins, Bower, Briggs, Brown, Bull, Clapp, Clark, Clogston, Faulkner, Greiffenstein, Helmick, Hossack, Huffaker, Hutchison, Legate, Leonard, Miller, Moore, Price, Randolph, Smith of Marshall, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 77, An act to provide for the allowance of the claims growing out of the Price raid in 1864,



and the defense of the State against Indians during said year, and making an appropriation for the payment of the same, being reported, Mr. Anderson, of Shawnee, demanded the previous question.

The demand being supported by five members, on motion the previous question was ordered on the final passage of the bill; whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 104; constitutional majority, 65. Yeas, 91; nays, 13; absent or not voting, 25.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Beaty, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Bruner, Callen, Calvin, Clapp, Cool, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ewing, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hewins, Humes, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Legate, Leonard, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Price, Prunty, Rath, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Bissell, Bull, Clark, Corbin, Ellison, Farris, Henderson, Hodge, Moore, Parsons, Raybell, and White.

Gentlemen absent or not voting were: Messrs. Barber, Barrackman, Bevins, Bower, Briggs, Brinkman, Brown, Butts, Clogston, Congdon, Eastland, Faulkner, Gable (Frank M.), Greiffenstein, Helmick, Hossack, Huffaker, Keller, Kennedy, Lawson, Manning, Randolph, Towle, Wait of Lincoln, and Wilson of Jackson.

Mr. Barrackman was excused from voting, on account of personal interest in the bill.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 113, An act to amend section 6, chapter 122 of the Session Laws of 1876, being an act entitled "An act for the regulation and support of common schools," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 81; constitutional majority, 65. Yeas, 81; nays, 0; absent or not voting, 48.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Bissell, Blackman, Boggs, Bruner, Bull, Butts, Callen, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ewing, Faulkner, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greifenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, James of Shawnee, James of Wyandotte, Legate, Loy, Majors, Manning, Martin of Kingman, Martin of Miami, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Raybell, Robb, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Ballard, Bevins, Biddle, Bishop, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Clapp, Clark, Clogston, Congdon, Ellison, Farris, Fisler, Gable (Frank M.), Hall, Hamilton of Marshall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, Keller, Kelley, Kennedy, Kollock, Lawson, Leonard, Martin of Labette, Parsons, Randolph, Rath, Rice, Richards, Riggs, Seaton, Selover, Towle, Wait of Lincoln, Walker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 10, An act to provide for the refunding of

certain taxes assessed and paid on certain tracts known as the State Agricultural College lands, was reported by the Clerk.

Mr. Hall demanded the previous question on the final passage of the bill.

The demand being supported, on motion, the previous question was ordered.

Whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 91; constitutional majority, 65. Yeas, 77; nays, 14; absent or not voting, 38.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Bishop, Bissell, Blackman, Blanchard, Boggs, Brinkman, Bronson, Brown, Butts, Calvin, Clapp, Cool, Corbin, Danhaur, Donahue, Eckles, Eggers, Ewing, Faulkner, Fisler, Gable (Thos. P.), Games, Gilmore, Godfrey, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Humes, Kelley, Kollock, Legate, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Price, Raybell, Richards, Robb, Rood, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Beaty, Callen, Cunningham, Ellison, Lawson, Loy, Martin of Miami, Myers, Rice, Shaw, Spilman, Walker, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Berry, Bevins, Biddle, Bower, Breyfogle, Briggs, Bruner, Bull, Clark, Clogston, Congdon, Eastland, Farris, Gable (Frank M.), Gillespie, Greever, Greiffenstein, Hartshorne, Hossack, Huffaker, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Leonard, Martin of Kingman, Parsons, Prunty, Randolph, Rath, Riggs, Towle, Wait of Lincoln, Watson, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 148, An act to amend an act entitled "An act to establish a code of civil procedure," being chapter 80 of the General Statutes, being reported by the Clerk, Mr. Legate demanded the previous question.

The demand being supported by five members, on motion the previous question was ordered.

Whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 98; constitutional majority, 65. Yeas, 24; nays, 74; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Armstrong, Bissell, Blanchard, Butts, Clark, Clogston, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Hall, Hewins, McClintick, Miller, Parsons, Rath, Raybell, Rood, Stumbaugh, Tallman, Taylor, Waite of Pawnee, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bishop, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Callen, Calvin, Congdon, Cool, Corbin, Danhaur, Eckles, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Henderson, Hodge, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Price, Prunty, Rice, Richards, Robb, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Towle, Tucker, Wait of Linn, Walker, Watson, White, Wilson of Nemaha, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bevins, Biddle, Briggs, Bull, Clapp, Cunningham, Donahue, Eastland, Eggers, Greever, Greiffenstein, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Martin of Kingman, Randolph, Riggs, Sallee, Scott, Shaw, Wait of Lincoln, Willey, and Wilson of Jackson.

And so, a constitutional majority having failed to vote for the passage of the bill, the bill not pass.



Mr. Legate moved that the rules be suspended, and that the House now proceed to the consideration of appropriation bills.

Upon this motion the yeas and nays were demanded and had, with the following result:

Whole number voting, 103; majority under the rule, two-thirds. Yeas, 58; nays, 45; absent or not voting, 26.

Gentlemen voting in the affirmative were: Messrs. Alexander, Armstrong, Baker, Barber, Barrackman, Berry, Blackman, Blanchard, Breyfogle, Bronson, Bruner, Butts, Clogston, Corbin, Danhaur, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Hamilton of Marshall, Hankins, Henderson, Hewins, James of Shawnee, James of Wyandotte, Kollock, Legate, Leonard, Loy, Martin of Labette, Martin of Miami, McCrumb, McMillen, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Wait of Linn, Watson, White, Wilson of Nemaha, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Bishop, Bissell, Boggs, Brinkman, Clark, Cool, Cunningham, Eggers, Fisler, Gilmore, Hall, Hamilton of Norton, Hartshorne, Helmick, Hodge, Humes, Hutchison, Kelley, Kennedy, Majors, Manning, McClintick, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Sallee, Seaton, Selover, Spilman, Stumbaugh, Taylor, Waite of Pawnee, Walker, Willey, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Beaty, Bevins, Biddle, Bower, Briggs, Brown, Bull, Callen, Calvin, Clapp, Congdon, Donahue, Eastland, Eckles, Greiffenstein, Hossack, Huffaker, Keller, Lawson, Martin of Kingman, Randolph, Stitt, Towle, Tucker, Wait of Lincoln, and Wilson of Jackson.

And so the motion did not prevail.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged report:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city, have examined and carefully com-

pared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

Senate joint resolution No. 7, recommending the calling of a constitutional convention, was read the third time, and the question being, Shall the joint resolution pass? the roll was called, with the following result:

Whole number of votes cast, 106; constitutional majority, 86. Yeas, 89; nays, 17; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Hall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Humes, Hutchison, James of Wyandotte, Kelley, Kennedy, Kollock, Legate, Loy, Manning, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Parsons, Price, Prunty, Raybell, Rice, Richards, Riggs, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Baker, Ballard, Blanchard, Calvin, Danhaur, Greever, Hamilton of Marshall, James of Shawnee, Martin of Labette, Martin of Miami, McClintick, Moore, Robb, Scott, Seaton, and White.

Gentlemen absent or not voting were: Messrs. Barber, Bevins, Biddle, Bower, Briggs, Bull, Callen, Clogston, Fisler, Godfrey, Greiffenstein, Hodge, Hossack, Huffaker, Keller, Lawson, Leonard, Majors, Martin of Kingman, Randolph, Rath, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the

passage of the resolution, the resolution passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms, or individuals, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 98; constitutional majority, 65. Yeas, 90; nays, 8; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Eastland, Eckles, Eggers, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Kennedy, Kollock, Legate, Loy, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, Miller, Morgan, Moore, Myers, Price, Prunty, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Cool, Donahue, Farris, Hall, McMillen, Rath, and Tallman.

Gentlemen absent or not voting were: Messrs. Ballard, Bevins, Biddle, Blanchard, Bower, Briggs, Bull, Callen, Danhaur, Ewing, Fisler, Greever, Greiffenstein, Hamilton of Marshall, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Lawson, Leonard, Martin of Kingman, Martin of Miami, Parsons, Randolph, Scott, Seaton, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate joint resolution No. 1, relating to losses sustained by citizens of Kansas on account of Indian raid of 1878, was read the third time, and the question being, Shall the joint resolution pass? the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 86. Yeas, 89; nays, 0; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clogston, Congdon, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, James of Shawnee, Kelley, Kollock, Legate, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Barber, Berry, Bevins, Biddle, Bower, Briggs, Bull, Callen, Clapp, Clark, Corbin, Donahue, Ewing, Farris, Gable (Thos. P.), Greever, Greifenstein, Hall, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Lawson, Leonard, Majors, Martin of Kingman, Parsons, Randolph, Rath, Scott, Smith of Marshall, Tucker, Wait of Lincoln, Wait of Linn, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the joint resolution, the resolution passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 178, An act to amend chapter 145 of the statutes of 1877.



House bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872.

House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain titles to real estate.

Senate bill No. 66, An act making an appropriation for the erection of extensions to the building of the Kansas Institution for the Education of the Deaf and Dumb, during the years A. D. 1879 and 1880.

HENRY BRANDLEY, *Secretary*.

Substitute for House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatomie for the fiscal years ending June 30, 1889 and 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 65. Yeas, 93; nays, 4; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Biddle, Bissell, Blackman, Breyfogle, Brinkman, Bruner, Butts, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Legate, Loy, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Hamilton of Marshall, Kennedy, and White.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Bevins, Bishop, Blanchard, Boggs, Bower, Briggs, Bronson,

Brown, Bull, Callen, Clogston, Danhaur, Donahue, Eggers, Greiffenstein, Hall, Hankins, Hossack, Huffaker, Humes, Keller, Lawson, Leonard, Majors, Manning, Martin of Kingman, Parsons, Randolph, Tucker, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 147, An act making appropriations for the erection of a building to be used as a dormitory, laundry, and hospital, for furnishing the same, and for improvements for the Institution of the Blind, and to defray the current expense of said institution for the years 1880 and 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 65. Yeas, 94; nays, 3; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Biddle, Bissell, Blackman, Breyfogle, Brinkman, Bruner, Butts, Calvin, Clapp, Clark, Congdon, Cool, Corbin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.) Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kollock, Legate, Loy, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Kennedy, and White.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Bevins, Bishop, Blanchard, Boggs, Bower, Briggs, Bronson,

Brown, Bull, Callen, Clogston, Donahue, Eggers, Greiffenstein, Hall, Hankins, Henderson, Hossack, Huffaker, Humes, Keller, Lawson, Leonard, Majors, Manning, Martin of Kingman, Parsons, Randolph, Tucker, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 97; constitutional majority, 65. Yeas, 73; nays, 24; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Bissell, Blackman, Breyfogle, Brinkman, Bruner, Butts, Calvin, Clapp, Congdon, Cool, Corbin, Danhaur, Eastland, Eckles, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Hamilton of Norton, Hartshorne, Helmick, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Kollock, Legate, Loy, McClintick, McCrumb, McKay, McMillen, Miller, Myers, Price, Rath, Rice, Richards, Riggs, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Berry, Biddle, Clark, Cunningham, Farris, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Henderson, Hewins, Martin of Labette, Martin of Miami, Moore, Morgan, Prunty, Raybell, Rood, Sallee, Scott, Wait of Linn, White, and Woodard.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Bevins, Bishop, Blanchard, Boggs, Bower, Briggs, Bronson, Brown, Bull, Callen, Clogston, Donahue, Eggers, Greiffenstein, Hall, Hankins, Hossack, Huffaker, Humes, Keller, Lawson,

Leonard, Majors, Manning, Martin of Kingman, Parsons, Randolph, Tucker, Wait of Lincoln, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Mr. Bower was granted leave of absence on account of sickness.

By consent, Mr. Kollock was granted leave of absence on account of sickness in his family.

Mr. Waite, of Pawnee, demanded a call of the House.

The demand being supported, on motion, a call was ordered.

The roll was called, and the following absentees noted: Messrs. Albin, Baker, Briggs, Bronson, Brown, Bull, Callen, Congdon, Corbin, Donahue, Eckles, Godfrey, Greiffenstein, Hall, Hossack, Huffaker, Keller, Lawson, Majors, Martin of Kingman, Parsons, Randolph, Tucker, Wait of Lincoln, and Wilson of Jackson.

The Sergeant-at-Arms was instructed to bring in the absentees.

Pending his absence from the hall, on motion, further proceedings under the call were dispensed with.

Mr. Biddle offered the following resolution, and moved its adoption:

*Resolved*, That the Speaker appoint a special committee of five to revise the calendar, to select therefrom all important and necessary bills, and take bills reported from the Senate and arrange them with the bills so selected from the calendar, as the order of the House; the bills, when selected, to take precedence on the calendar over all other bills except appropriation bills.

Mr. Calvin moved that when the House consider the revised bills, it consider them in the order in which they appear on the calendar.

The resolution was adopted.

On motion of Mr. Kelley, at 12:35 o'clock the House adjourned.



## AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 5, 1879. }  
1:30 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clark, Clogston, Cool, Cunningham, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Legate, Leonard, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Robb, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bevins, Bishop, Bissell, Blackman, Bower, Briggs, Brown, Callen, Congdon, Corbin, Danhaur, Donahue, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Henderson, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Loy, Manning, McClintick, Price, Randolph, Raybell, Rice, Richards, Riggs, Rood, Sallee, Seaton, Selover, Tucker, Watson, Wilson of Jackson, and Wilson of Nemaha.

Quorum present.

The Speaker announced the following special committee on revision of the calendar: Messrs. Biddle, Stumbaugh, Clapp, Sallee, and White.

Mr. Legate moved that Senate bill No. 66, An act making an appropriation for the erection of extensions to the building of the Kansas Institution for the Education of the Deaf and Dumb, during the years A. D. 1879 and 1880, be read the first and sec-

ond time, and referred to the committee of the whole House. The motion prevailed.

Substitute for Senate bill No. 68, An act making appropriations for the State Fish Commissioner for the years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 93; constitutional majority, 65. Yeas, 66; nays, 27; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Beaty, Biddle, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Brown, Bruner, Bull, Butts, Clapp, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Legate, Loy, Martin of Kingman, McKay, Miller, Moore, Morgan, Myers, Prunty, Rath, Rice, Richards, Robb, Seaton, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Barber, Calvin, Clark, Clogston, Cool, Cunningham, Donahue, Ellison, Gable (Frank M.), Games, Hankins, Helmick, Henderson, Hewins, Keller, Leonard, Martin of Labette, Martin of Miami, Parsons, Raybell, Rood, Sallee, Scott, Smith of Bourbon, Stewart, and Tallman.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Berry, Bevins, Bishop, Bissell, Bower, Briggs, Brinkman, Callen, Congdon, Corbin, Dandaur, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Hossack, Huffaker, Hutchison, James of Wyandotte, Kollock, Lawson, Majors, Manning, McClintick, McCrumb, McMillen, Price, Randolph, Riggs, Selover, Taylor, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 181, An act making appropriations for the Home for Friendless Women, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 90; constitutional majority, 65. Yeas, 79; nays, 11; absent or not voting, 39.

Gentlemen voting in the affirmative were: Messrs. Alexander, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Briggs, Brown, Bruner, Bull, Butts, Calvin, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Humes, Hutchison, James of Shawnee, Kelley, Legate, Martin of Kingman, Martin of Labette, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Seaton, Shaw, Smith of Marshall, Spilman, Stitt, Towle, Waite of Pawnee, Walker, Watson, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Bronson, Ellison, James of Wyandotte, Keller, Leonard, Martin of Miami, Smith of Bourbon, Stewart, Tallman, Taylor, and Tucker.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Bevins, Biddle, Bower, Breyfogle, Brinkman, Callen, Clapp, Clark, Congdon, Corbin, Eggers, Gable (Frank M.), Gilmore, Hall, Hamilton of Marshall, Hartshorne, Hossack, Huffaker, Kennedy, Kollock, Lawson, Loy, Majors, Manning, Morgan, Price, Randolph, Rood, Sallee, Scott, Selover, Stumbaugh, Wait of Lincoln, Wait of Linn, White, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### SPECIAL ORDER FOR 2 O'CLOCK P. M.—COMMITTEE OF THE WHOLE.

Mr. Manning moved that the House resolve itself into committee of the whole for the consideration of the special order for this hour, being appropriation bills.

The House then went into committee of the whole, with Mr. Humes in the chair.

After some time spent in discussion therein the committee of the whole arose, and through its chairman submitted the following report:

MR. SPEAKER: Your committee of the whole House have had under consideration bills on the calendar, and instruct me to report the following recommendations:

Substitute for House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881, with the recommendation that it be passed.

Substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose, with the recommendation that it be passed.

House bill No. 201, An act making an appropriation for the Kansas State Horticultural Society, for the fiscal years ending June 30, 1880, and June 30, 1881, with the recommendation that it be passed.

Substitute for Senate bill No. 66, An act making appropriations for the erection of extensions to the buildings of the Kansas Institution for the Education of the Deaf and Dumb, and for the furnishing of such extension to said buildings during the fiscal year ending June 30, 1880, and June 30, 1881, with the recommendation that it be passed.

Senate bill No. 152, An act for the relief of certain persons therein named, with the recommendation that it be passed.

T. J. HUMES, *Chairman*.

Mr. Ballard moved that the report of the committee be agreed to. The motion prevailed.

Mr. Humes moved that all bills reported upon favorably by the committee be ordered engrossed, which motion prevailed.

On motion of Mr. Kennedy, the House proceeded to third reading of bills.

### THIRD READING OF BILLS.

House bill No. 226, An act to amend section 1, chapter 81, Statutes of 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:



Whole number of votes cast, 102; constitutional majority, 65. Yeas, 65; nays, 37; absent or not voting, 27.

Gentlemen voting in the affirmative were: Messrs. Alexander, Baker, Ballard, Barber, Barrackman, Beaty, Blackman, Blanchard, Brinkman, Butts, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Greever, Greifenstein, Hamilton of Marshall, Hankins, Henderson, Hewins, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Myers, Parsons, Price, Prunty, Rice, Rood, Scott, Seaton, Shaw, Stewart, Stitt, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Bishop, Boggs, Breyfogle, Briggs, Bronson, Brown, Bruner, Bull, Clark, Clogston, Eggers, Gillespie, Godfrey, Hamilton of Norton, Harts-horne, Hodge, Humes, Legate, McMillen, Raybell, Richards, Riggs, Robb, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Towle, Wait of Lincoln, Watson, Willey, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Berry, Bevins, Biddle, Bissell, Bower, Callen, Clapp, Congdon, Eastland, Gilmore, Hall, Helmick, Hossack, Huffaker, James of Wyandotte, Keller, Kollock, Moore, Morgan, Randolph, Rath, Sallee, Stumbaugh, White, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25, of the General Statutes of 1868," being an act relating to counties and county officers, of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 79; constitutional majority, 65. Yeas, 67; nays, 12; absent or not voting, 50.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Barber, Barrackman, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Bruner, Bull, Butts, Calvin, Clark, Donahue, Ellison, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, Lawson, Legate, Loy, Manning, Martin of Labette, McClintick, McCrumb, Miller, Morgan, Myers, Parsons, Price, Prunty, Rice, Riggs, Robb, Rood, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Towle, Wait of Lincoln, Waite of Pawnee, Walker, Watson, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Shawnee, Briggs, Clogston, Cool, Corbin, Cunningham, Hamilton of Marshall, Humes, Martin of Miami, Raybell, Richards, and Tucker.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Armstrong, Baker, Ballard, Beaty, Berry, Bevins, Biddle, Bower, Brinkman, Brown, Callen, Clapp, Congdon, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Greiffenstein, Hall, Hartshorne, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Leonard, Majors, Martin of Kingman, McKay, McMillen, Moore, Randolph, Rath, Sallee, Seaton, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Wait of Linn, White, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended as follows, "An act to amend section 1, chapter 110, Session Laws of 1877, being an act relating to fees and salaries of county attorneys," was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 202, An act to amend section 1, chapter 118, of the Session Laws of 1877, entitled "An act for the protection of birds," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 90; constitutional majority, 65. Yeas, 84; nays, 6; absent or not voting, 39.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Bevins,

Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Bronson, Bruner, Bull, Butts, Calvin, Clogston, Cool, Corbin, Cunningham, Donahue, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, Kennedy, Leonard, Loy, Manning, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Raybell, Rice, Richards, Robb, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bishop, Gable (Frank M.), Humes, Martin of Miami, Parsons, and Wright.

Gentlemen absent or not voting were: Messrs. Armstrong, Beaty, Berry, Biddle, Bower, Brinkman, Brown, Callen, Clapp, Clark, Congdon, Danhaur, Eastland, Eggers, Greiffenstein, Hall, Hamilton of Norton, Hossack, Huffaker, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Majors, Martin of Kingman, Randolph, Rath, Riggs, Rood, Sallee, Shaw, Spilman, Tallman, Taylor, White, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 140, An act to amend section 76, article 11, and section 79, article 12 of chapter 34, of an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 82; nays, 2; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Bevins, Bishop, Blackman, Blanchard, Breyfogle, Bronson, Bruner, Bull, Clark, Clogston, Cool, Cunningham, Donahue, Eckles, Eggers, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, God-

frey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hutchison, James of Shawnee, Kelley, Legate, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Price, Prunty, Raybell, Robb, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Farris and Faulkner.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Barrackman, Berry, Biddle, Bissell, Boggs, Bower, Briggs, Brinkman, Brown, Butts, Callen, Calvin, Clapp, Congdon, Corbin, Danhaur, Eastland, Hall, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Leonard, Martin of Kingman, Miller, Randolph, Rath, Rice, Richards, Riggs, Rood, Sallee, Spilman, Stewart, Tallman, Taylor, White, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 212, An act to amend section 28 of article 4, chapter 122 of the Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 85; nays, 1; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Barber, Beaty, Bevins, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Calvin, Clapp, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hutchison, Kennedy, Loy, Majors,



Manning, Martin of Labette, Martin of Miami, McClintick, McKay, Miller, Moore, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Mr. Gillespie voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barrackman, Berry, Bissell, Bower, Brown, Butts, Callen, Clark, Clogston, Congdon, Cool, Corbin, Donahue, Farris, Faulkner, Fisler, Gable (Frank M.), Hall, Hodge, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Martin of Kingman, McCrumb, McMillen, Morgan, Myers, Parsons, Randolph, Taylor, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bills Nos. 86 and 188, An act to amend section 1 of chapter 35 of the Statutes of 1868, being an act entitled "An act to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 75; nays, 25; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Armstrong, Barber, Barrackman, Biddle, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Hartshorne, Hankins, Helmick, Hodge, Humes, Hutchison, James of Shawnee, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McKay, McMillen, Moore, Morgan, Myers, Raybell, Rice, Riggs, Robb, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Towle,

Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Bevins, Briggs, Corbin, Donahue, Gable (Thos. P.), Godfrey, Greever, Hamilton of Norton, Henderson, Hewins, Kelley, Kennedy, Legate, Martin of Miami, McCrumb, Miller, Price, Prunty, Rath, Richards, Seaton, Selover, Wilson of Jackson, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Ballard, Beaty, Berry, Boggs, Bower, Callen, Clark, Congdon, Eggers, Fisler, Gable (Frank M.), Greiffenstein, Hall, Hamilton of Marshall, Hossack, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Martin of Kingman, Parsons, Randolph, Rood, Sallee, Scott, and Taylor.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 82; constitutional majority, 65. Yeas, 80; nays, 2; absent or not voting, 47.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clark, Clogston, Cool, Cunningham, Danhaur, Eastland, Eggers, Ewing, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Humes, James of Shawnee, Kelley, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Raybell, Rice, Richards, Riggs, Sallee, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Towle, Tucker, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Donahue and Greever.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Ballard, Berry, Bishop, Bower, Briggs, Bull, Callen, Clapp, Congdon, Corbin, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Henderson, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Majors, Martin of Kingman, McCrumb, Price, Randolph, Rath, Robb, Rood, Scott, Shaw, Spilman, Tallman, Taylor, Wait of Lincoln, Walker, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65. Yeas, 80; nays, 0; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Bevins, Boggs, Breyfogle, Briggs, Bronson, Bruner, Bull, Calvin, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Kelley, Kennedy, Lawson, Leonard, Loy, Manning, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Prunty, Rice, Richards, Riggs, Rood, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Ballard, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Bower, Brinkman, Brown, Butts, Callen, Clapp, Clogston, Congdon, Fisler, Gable (Thos. P.), Greiffen-

stein, Hall, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kollock, Legate, Majors, Martin of Kingman, Martin of Miami, Morgan, Parsons, Price, Randolph, Rath, Raybell, Robb, Sallee, Scott, Shaw, Spilman, Stumbaugh, Wait of Lincoln, Watson, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 3, An act amend chapter 16, General Statutes, in relation to bridges, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 66; nays, 6; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Beaty, Bevins, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Clark, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Fisler, Games, Gillespie, Gilmore, Hamilton of Norton, Hankins, Henderson, Hewins, James of Shawnee, Kelley, Kennedy, Lawson, Leonard, Martin of Labette, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rice, Richards, Riggs, Selover, Shaw, Smith of Bourbon, Stewart, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Boggs, Hamilton of Marshall, Hartshorne, Hutchison, and Manning.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Ballard, Barrackman, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Bower, Briggs, Callen, Calvin, Clapp, Congdon, Corbin, Donahue, Ellison, Faulkner, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greifenstein, Hall, Helmick, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kollock, Legate, Loy, Majors, Martin of Kingman, Martin of Miami, McClintick, McCrumb, McMillen, Randolph, Rath, Raybell, Robb, Rood, Sallee, Scott, Seaton, Smith of Marshall, Spilman, Stitt, Stumbaugh, Wait of Lincoln, White, Willey, and Wright.



And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 76; constitutional majority, 65. Yeas, 75; nays, 1; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bevins, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Butts, Cool, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Humes, James of Shawnee, Kelley, Kennedy, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rice, Riggs, Robb, Rood, Selover, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Mr. Bruner voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Berry, Biddle, Bishop, Bower, Briggs, Brown, Bull, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eggers, Faulkner, Gable (Thos. P.), Greifenstein, Hall, Hamilton of Marshall, Hartshorne, Hodge, Hosack, Huffaker, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Legate, Martin of Kingman, McClintick, Miller, Price, Randolph, Rath, Raybell, Richards, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Stumbaugh, Tucker, Wait of Lincoln, Watson, White, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 332, An act to establish the sur-

vey of the town site of Union, in the county of Riley, State of Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 76; constitutional majority, 65. Yeas, 76; nays, 0; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Clogston, Congdon, Cool, Corbin, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Greever, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, James of Shawnee, Kelley, Kennedy, Lawson, Leonard, Loy, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Myers, Parsons, Prunty, Raybell, Rice, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Taylor, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Berry, Biddle, Bishop, Bower, Briggs, Bull, Butts, Callen, Calvin, Clapp, Clark, Cunningham, Donahue, Eggers, Faulkner, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hodge, Hossack, Hufaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Legate, Majors, Manning, Martin of Kingman, McClintick, McMillen, Morgan, Price, Randolph, Rath, Sallee, Scott, Smith of Marshall, Stumbaugh, Tallman, Towle, Tucker, Wait of Lincoln, Wait of Linn, White, Willey, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 79; constitutional majority, 65. Yeas, 79; nays, 0; absent or not voting, 50.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barber, Bevins, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Calvin, Cool, Corbin, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Hankins, Helmick, Henderson, Hewins, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Leonard, Loy, Martin of Labette, Martin of Miami, McClin-tick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Raybell, Rice, Richards, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Briggs, Brown, Butts, Callen, Clapp, Clark, Clogston, Congdon, Cunningham, Danhaur, Donahue, Eggers, Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kollock, Legate, Majors, Manning, Martin of Kingman, Morgan, Randolph, Rath, Sallee, Smith of Marshall, Stumbaugh, Wait of Lincoln, Watson, White, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 41, An act making an appropriation to rebuild the State Normal School building at Emporia, and providing for a donation thereto by the city of Emporia and the county of Lyon, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 65. Yeas, 51; nays, 38; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Breyfogle, Brinkman, Bronson, Butts, Calvin, Clogston, Danhaur, Eckles, Ewing, Faulkner, Fisler, Gable (Frank M.),

Gable (Thos. P.), Games, Gillespie, Gilmore, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, Leonard, Loy, McCrumb, McMillen, Miller, Myers, Price, Prunty, Raybell, Rice, Richards, Riggs, Robb, Seaton, Shaw, Spilman, Taylor, Towle, Tucker, Waite of Pawnee, Walker, Watson, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Beaty, Bevins, Blackman, Blanchard, Brown, Bull, Clapp, Cool, Corbin, Cunningham, Eastland, Eggers, Ellison, Farris, Greever, Hamilton of Marshall, Hamilton of Norton, Henderson, Humes, Kelley, Kennedy, Martin of Labette, Martin of Miami, McKay, Moore, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Wait of Lincoln, Wait of Linn, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Ballard, Barrackman, Berry, Biddle, Bishop, Bissell, Boggs, Bower, Briggs, Bruner, Callen, Clark, Congdon, Donahue, Godfrey, Greiffenstein, Hall, Hossack, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Legate, Majors, Manning, Martin of Kingman, McClintick, Morgan, Parsons, Randolph, Rath, Rood, Sallee, Scott, White, Willey, and Woodard.

And so, a constitutional majority having failed to vote in the affirmative, the bill did not pass.

#### REPORTS OF STANDING COMMITTEE.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 252, An act to amend section 5 of chapter 105 of the General Statutes of 1868, relating to stock, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman.*



MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 24, An act making appropriations for the State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the fiscal year ending June 30th, 1879, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 139, An act making appropriations to the State University, for the fiscal years ending June 30, 1880, and June 30, 1881, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum at Leavenworth, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

## MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 32, An act to amend section 4 of chapter 96 of the Laws of 1875, being "An act regulating the salaries of county clerks."

House bill No. 33, An act to amend section 4 of chapter 93 of the Laws of 1875, being "An act to fix the salary of county treasurers."

House bill No. 85, An act authorizing a bounty upon wolf, coyote, wild-cat and fox scalps.

House bill No. 52, An act declaring it a misdemeanor to unlawfully ride or drive the animals and stock described therein, across the cultivated lands or hedge-rows of another, and providing a penalty therefor.

HENRY BRANDLEY, *Secretary*.

Also the following:

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed the consideration of the following bills:

House bill No. 75, An act to vacate a part of the town site of the city of Pleasanton, in Linn county, Kansas.

House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas.

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge.

House bill No. 128, An act to vacate the public square in the village of New Lancaster, Miami county, Kansas.

House bill No. 308, An act to vacate a certain alley in the city of Thayer, Neosho county, Kansas.

House bill No. 114, An act to vacate a State road.

House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove.

House bill No. 106, An act for the relief of Hubert Nadeau, and to authorize the County Clerk of Washington county to issue a new certificate for school land.

House bill No. 87, An act to establish a State road through Reno, Kingman and Barbour counties, Kansas.

House bill No. 170, An act to change part of a certain street, and to vacate a certain alley, in the city of Wichita, Sedgwick county, Kansas.

House bill No. 41, An act to vacate certain streets and alleys in Baldwin City.

House bill No. 66, An act to amend section 321 of the code of civil procedure.

House bill No. 71, An act to amend an act entitled "An act concerning descents and distributions," approved March 2, 1868.

House bill No. 111, An act to vacate a part of Wakefield, Clay county, Kansas. HENRY BRANDLEY, *Secretary*.

### THIRD READING OF BILLS RESUMED.

Substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880 and 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 91; constitutional majority, 65. Yeas, 75; nays, 16; absent or not voting, 38.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barrackman, Bevins, Biddle, Blackman, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clogston, Corbin, Cunningham, Danhaur, Eckles, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hartshorne, Hankins, Helmick, Hewins, Hodge, Humes, Hutchison, James of Shawnee, Kelley, Kennedy, Loy, McCrumb, McMillen, Miller, Morgan, Myers, Price, Prunty, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown, Ellison, Hamilton of Marshall, Hamilton of Norton, Henderson, Martin of Labette, Martin of Miami, McKay, Moore, Smith of Bourbon, Stitt, Wait of Lincoln, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barber, Beaty, Berry, Bishop, Bissell, Blanch-

ard, Bower, Clapp, Clark, Congdon, Cool, Donahue, Eastland, Eggers, Farris, Fisler, Greiffenstein, Hall, Hossack, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, McClintick, Parsons, Randolph, Rath, Stewart, Tallman, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum, at Leavenworth, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 65. Yeas, 84; nays, 5; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Danhaur, Eastland, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Humes, James of Shawnee, Kelley, Kennedy, Martin of Labette, McCrumb, McMullen, Miller, Moore, Myers, Parsons, Price, Prunty, Rice, Richards, Riggs, Rood, Sallee, Seaton, Selover, Shaw, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Eggers, Ellison, Martin of Miami, Smith of Bourbon, and Stewart.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Berry, Bower, Brown, Callen, Clark, Congdon, Corbin, Cunningham, Donahue, Eckles, Farris, Greiffenstein, Hall, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, McClintick, McKay, Morgan, Randolph, Rath, Raybell, Robb, Scott, Wait of Lincoln, Willey, Wilson of Jackson, and Woodard.



And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Mr. Anderson, of Shawnee, offered the following resolution:

*Resolved*, That the special order for this evening be postponed, and that the evening session be devoted to bills on third reading.

The resolution was adopted.

#### REPORTS OF STANDING COMMITTEES.

Mr. Eggers, member of the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, now on hand and unappropriated, to the general revenue of said city, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. F. EGGERS, *Of the Committee.*

Mr. Frank M. Gable, chairman of the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred petition No. 189, in reference to the building of a bridge in Leavenworth county, Kansas, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be referred to the committee of the whole House.

FRANK M. GABLE, *Chairman.*

Mr. Bull, chairman of the Committee on Fees and Salaries, submitted the following reports:

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 392, An act to adjust and equalize the compensation of county officers, and to conform the same to the money standard of the times, have had the same under con-

sideration, and instruct me to report the bill back to the House with the recommendation that it be passed.

H. C. BULL, *Chairman*.

MR. SPEAKER: Your Committee on Fees and Salaries, to whom was referred House bill No. 321, An act fixing the salaries of county commissioners in counties having over 25,000 inhabitants, and to repeal chapter 112 of the Session Laws of 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed.

H. C. BULL, *Chairman*.

By consent, Senate bill No. 137, An act to amend section 7 of an act to enable municipal townships to subscribe for stock in any railroad, and to provide for the payment of the same, approved February 25, 1870, was taken up and read the first and second time, and referred to the committee of the whole House.

#### COMMUNICATION.

Mr. Kennedy presented the following communication, which was read, and ordered spread upon the records:

TOPEKA, KANSAS, March 5, 1879.

*Hon. T. J. Anderson, member of the House from the Sixty-third District, Shawnee county*—SIR: You are most respectfully requested and cordially invited to give one of your special and inimitable "concerts" with "Gideon's Band," in the hall of the House of Representatives, on Friday evening next at 8 o'clock. Hoping you will grant this last request before we finally separate, we remain most sincerely your friends,

J. B. KENNEDY.

H. C. FISLER.

J. W. LOY.

C. G. BROWN.

W. R. BIDDLE.

R. B. ARMSTRONG.

A. B. CLARK.

D. E. BALLARD.

PHILIP KELLEY.

J. E. WILLEY.

G. L. WHITE.

W. S. WAIT.

L. F. EGGERS.

S. M. TUCKER.

J. S. GILLESPIE.

J. H. MARTIN.

J. W. FARRIS.

J. S. WATSON.

H. T. ANDERSON

CHAS. H. MILLER.

J. C. MARTIN.

W. P. EWING.

G. W. MCCLINTICK.

J. A. BLACKMAN.

J. A. TOWLE.

W. R. HENDERSON.

E. WALKER.

JOSEPH DONAHUE.

DEXTER E. CLAPP.	J. J. MYERS.
J. H. SALLEE.	WILLIAM RATH.
F. S. STUMBAUGH.	WILLIAM HANKINS.
WM. GREIFFENSTEIN.	OSCAR G. RICHARDS.
E. M. HEWINS.	M. McMILLEN.
T. J. CALVIN.	J. B. BRUNER.
C. E. FAULKNER.	ARCH. SHAW.
J. B. CLOGSTON.	J. H. KELLER.
T. J. RAYBELL.	W. H. WILSON.
T. P. ANDERSON.	L. W. BREYFOGLE.
J. D. WAIT.	D. M. BRONSON.
J. W. GAMES.	J. J. STEWART.
H. C. BULL.	W. I. SMITH.
R. H. CUNNINGHAM.	T. W. TALLMAN.
JOHN SEATON.	J. M. HUTCHISON.
JAMES G. MARTIN.	W. A. MORGAN.
H. RICE.	JOHN S. GILMORE.
C. J. CORBIN.	S. S. BOGGS.
L. J. MCCRUMB.	W. C. BUTTS.
E. W. MAJORS.	SIDNEY CLARKE.
H. C. BLANCHARD.	ED. W. WAYNANT.
C. E. WESTLING.	W. M. HESS.
C. C. BAKER.	WES. C. GREGORY.
TELL W. WALTON.	

## REPLY.

*To the Hon. J. B. Kennedy and 100 other members and attachés of the House*—GENTLEMEN: I have the honor to acknowledge the receipt of your request of this date, and in reply, beg to state that "Gideon's Band" will report at the bar of the House on Friday evening next, and respond to such reasonable demands as may be made upon them.

Very truly, yours,

T. J. ANDERSON.

On motion of Mr. Hamilton, of Marshall, the House adjourned.

## EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 5, 1879. }  
7:30 o'clock P. M. }

House called to order ; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Callen, Calvin, Clapp, Clark, Clogston, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Faulkner, Fisler, Games, Gillespie, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Humes, Hutchison, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Ellsworth, Barber, Barrackman, Bower, Butts, Congdon, Cool, Corbin, Ewing, Farris, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Greever, Hartshorne, Hossack, Huffaker, James of Wyandotte, Keller, Kollock, Loy, Majors, Martin of Kingman, Randolph, Rice, Stewart, Tucker, Wait of Lincoln, and Watson.

Quorum present.

Mr. Rice asked consent to have Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same, considered engrossed and ordered to a third reading. Agreed to.



## THIRD READING OF BILLS.

Substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriation for the same, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 95; constitutional majority, 65. Yeas, 80; nays, 15; absent or not voting, 34.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Blackman, Blanchard, Breyfogle, Brinkman, Bronson, Bruner, Butts, Callen, Calvin, Clogston, Cool, Danhaur, Donahue, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, Hutchison, James of Shawnee, Kennedy, Legate, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Robb, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stitt, Towle, Wait of Linn, Waite of Pawnee, Walker, White, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown, Clark, Cunningham, Ellison, Hall, Kelley, Majors, Manning, Martin of Miami, McKay, Rood, Sallee, Scott, Tallman, and Taylor.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Biddle, Bishop, Bissell, Boggs, Bower, Briggs, Bull, Clapp, Congdon, Corbin, Eastland, Eckles, Eggers, Gilmore, Hamilton of Norton, Hartshorne, Hankins, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Loy, Randolph, Richards, Riggs, Stewart, Stumbaugh, Tucker, Wait of Lincoln, Watson, Willey, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 190, An act to authorize Neosho Falls township and Everett township, Woodson county, Kansas, to issue bonds and sell the same for the purpose of paying outstanding bonds. Agreed to.

Senate bill No. 179, An act to authorize the School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental fund to assist in the erection of a school house.

HENRY BRANDLEY, *Secretary*.

Mr. Clapp asked unanimous consent to have Senate bill No. 190 read the first and second time, considered engrossed, and ordered to a third reading. Agreed to.

Also, the following message was read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed substitute for substitute for House bill No. 38, An act to enable counties, municipal corporations, the boards of education of any city, and school districts, to re-fund their indebtedness.

HENRY BRANDLEY, *Secretary*.

Substitute for House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the year ending June 30, 1879, was taken up for consideration.

Mr. F. M. Gable moved to amend by increasing the salary of yardmaster from \$400 to \$500 per year; also the salary of the superintendent of teams, from \$400 to \$500 per year. Agreed to.

The bill as amended was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 101; constitutional majority, 65. Yeas, 99; nays, 2; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clark, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein,

Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Humes, Hutchison, James of Shawnee, Kennedy, Legate, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown and Kelley.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Biddle, Boggs, Bower, Callen, Clapp, Congdon, Corbin, Eggers, Ellison, Hartshorne, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Majors, Martin of Kingman, McMillen, Randolph, Richards, Rood, Scott, Wait of Lincoln, White, and Willey.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 237, An act appropriating \$2,000 to the Neutral Land Defense Committee, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 98; constitutional majority, 65. Yeas, 75; nays, 21; absent or not voting, 33.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Bevins, Bissell, Blackman, Blanchard, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clark, Cunningham, Donahue, Eastland, Eckles, Eggers, Ewing, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hartshorne, Hankins, Helmick, Hewins, Hodge, Hossack, Humes, Hutchison, James of Shawnee, Kelley, Loy, Martin of Labette, Martin of Miami, McCrumb, Moore, Morgan, Myers, Price, Prunty, Rath, Rice, Riggs, Robb, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Taylor, Tucker, Wait of Linn, Waite of

Pawnee, Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Beaty, Briggs, Bull, Clogston, Cool, Danhaur, Ellison, Farris, Hamilton of Marshall, Hamilton of Norton, Henderson, Kennedy, Legate, Manning, McKay, Raybell, Selover, Smith of Marshall, Stitt, Towle, and Walker.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Ballard, Berry, Biddle, Bishop, Boggs, Bower, Brown, Callen, Clapp, Congdon, Corbin, Faulkner, Gable (Thos. P.), Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Majors, Martin of Kingman, McClintick, McMillen, Miller, Parsons, Randolph, Richards, Rood, Wait of Lincoln, White, and Willey.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 239, An act making an appropriation to support the Institution for the Deaf and Dumb, and to provide for the current expenses thereof during the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 88; constitutional majority, 65. Yeas, 87; nays, 1; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Bevins, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Cool, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Farris, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hossack, Humes, Hutchison, James of Shawnee, Kelley, Kennedy, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Waite of Pawnee, Walker,



Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Brown voted in the negative.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Baker, Ballard, Beaty, Berry, Biddle, Bishop, Boggs, Bower, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Eastland, Faulkner, Gable (Frank M.), Gable (Thos. P.), Hamilton of Norton, Hodge, Huffaker, James of Wyandotte, Keller, Kollock, Lawson, Legate, Majors, McMillen, Parsons, Randolph, Richards, Rood, Sallee, Seaton, Stumbaugh, Wait of Lincoln, Wait of Linn, White, and Willey,

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 305, An act to amend section 76, article 8, chapter 92 of the Statutes of 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 75; constitutional majority, 65. Yeas, 63; nays, 12; absent or not voting, 54.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Bevins, Blackman, Breyfogle, Briggs, Bronson, Bruner, Butts, Calvin, Cunningham, Danhaur, Donahue, Ewing, Gable (Frank M.), Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hankins, Helmick, Henderson, Hodge, Hossack, Hutchison, James of Shawnee, Kelley, Kennedy, Leonard, Manning, Martin of Labette, Martin of Miami, McClintick, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Riggs, Robb, Selover, Smith of Bourbon, Stewart, Stitt, Tallman, Taylor, Towle, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Brinkman, Brown, Bull, Cool, Eastland, Eggers, Hall, Hewins, McKay, Raybell, and White.

Gentlemen absent or not voting were: Messrs. Alexander, Baker, Ballard, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Bower, Callen, Clapp, Clark, Clogston, Congdon, Corbin,

Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Greever, Hamilton of Norton, Hartshorne, Huffaker, Humes, James of Wyandotte, Keller, Kollock, Lawson, Legate, Loy, Majors, Martin of Kingman, McCrumb, McMillen, Randolph, Rice, Richards, Rood, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Spilman, Stumbaugh, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, and Willey.

Less than a constitutional majority having voted in the affirmative, the bill did not pass.

House bill No. 364, An act in relation to the support of common schools, was taken up for consideration, and by unanimous consent the author of the bill was allowed to amend it, as follows:

Insert the following proviso: "*Provided, however,* That any school district having residing therein less than forty persons of school age, shall receive an apportionment upon the basis of forty persons of school age."

The bill, as amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 74; constitutional majority, 65. Yeas, 47; nays, 27; absent or not voting, 55.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barrackman, Beaty, Brinkman, Bronson, Butts, Calvin, Clogston, Cool, Danhaur, Donahue, Eggers, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greever, Greiffenstein, Hall, Hamilton of Norton, Hankins, Henderson, Humes, Hutchison, James of Shawnee, Legate, Martin of Labette, McCrumb, McKay, Miller, Myers, Parsons, Rath, Riggs, Scott, Selover, Spilman, Towle, Waite of Pawnee, Walker, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Breyfogle, Briggs, Bruner, Farris, Gilmore, Godfrey, Hewins, Hossack, Kennedy, Leonard, Manning, Martin of Miami, McClintick, Price, Prunty, Raybell, Seaton, Shaw, Smith of Bourbon, Stewart, Stitt, Tallman, Taylor, Wait of Linn, Wilson of Jackson, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barber,

Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Brown, Bull, Callen, Clapp, Clark, Congdon, Corbin, Cunningham, Eastland, Eckles, Ellison, Faulkner, Games, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Huffaker, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Loy, Majors, Martin of Kingman, McMillen, Moore, Morgan, Randolph, Rice, Richards, Robb, Rood, Sallee, Smith of Marshall, Stumbaugh, Tucker, Wait of Lincoln, Watson, White, and Willey.

Less than a constitutional majority having voted in the affirmative, the bill did not pass.

Senate joint resolution No. 3, proposing an amendment to article 15 of the constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding section 10 to said article, was read the third time, and the question being, Shall the joint resolution pass? the roll was called, with the following result:

Whole number of votes cast, 119; constitutional majority, 86. Yeas, 88; nays, 31; absent or not voting, 10.

Pending the announcement of the result, Mr. Faulkner demanded a call of the House.

The demand being supported, on motion, a call of the House was ordered.

By consent, the roll-call was dispensed with, and the Sergeant-at-Arms instructed to bring in the absentees.

The Sergeant-at-Arms reported, with Mr. Anderson, of Shawnee in custody.

Mr. Bissell moved that he be discharged from arrest, which motion prevailed.

Mr. Smith, of Marshall, moved that further proceedings under the call of the House be dispensed with, which motion did not prevail.

The Sergeant-at-Arms appeared, with Mr. Boggs in custody.

Mr. Donahue moved that he be discharged from arrest, which motion prevailed.

Mr. Donahue moved that further proceedings under the call of the House be dispensed with, which motion did not prevail.

The Sergeant-at-Arms reported, with Messrs. Helmick and Kelley in custody.

Mr. Eggers moved that they be discharged from arrest, which motion prevailed.

Mr. Smith, of Marshall, moved that further proceedings under the call be dispensed with, which motion did not prevail.

The Sergeant-at-Arms appeared, with Mr. James, of Shawnee, in custody.

Mr. Manning moved that he be discharged, which motion prevailed.

Mr. F. M. Gable moved that further proceedings under the call be dispensed with, which motion did not prevail.

The Sergeant-at-Arms appeared, with Mr. Richards in custody.

On motion of Mr. Alexander, he was discharged.

Mr. Sallee moved that further proceedings under the call be dispensed with, which motion did not prevail.

The Sergeant-at-Arms reported, with Mr. Briggs and Mr. Callen under arrest.

On motion of Mr. Hodge, they were discharged.

Mr. Smith, of Marshall, moved that further proceedings under the call be dispensed with, which motion prevailed.

The result of the roll-call was declared, as follows:

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clark, Clogston, Cool, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hodge, Hossack, Humes, Hutchison, James of Shawnee, Keller, Lawson, Leonard, Loy, Manning, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Raybell, Rice, Riggs, Robb, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodward, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Beaty, Bevins, Blackman, Briggs, Brown, Donahue, Eggers, Farris, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hamilton of Norton, Henderson, Hewins, Kelley, Kennedy, Legate, Martin of Miami, Miller, Parsons, Price, Prunty, Rath,



Richards, Sallee, Seaton, Selover, Smith of Marshall, White, and Wright.

Gentlemen absent or not voting were: Messrs. Bower, Congdon, Corbin, Huffaker, James of Wyandotte, Kollock, Majors, Martin of Kingman, Randolph, and Rood.

And so, a constitutional majority, being two-thirds of all the members elected to the House, having voted in favor of the passage of the joint resolution, the resolution passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Biddle, chairman of the special committee to revise the calendar, submitted the following report:

MR. SPEAKER: Your special committee appointed to rearrange the calendar, by selecting bills of the Senate and House, and selecting therefrom the bills of the most importance, which, when selected, shall take priority to all bills except appropriation bills, instruct me to report that the following bills have been placed on third reading, subject to amendment and debate, in the order named:

Substitute for House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands.

House bill No. 276, An act to provide for the taxation of State Normal School lands, when sold.

Senate bill No. 8, An act to organize and regulate the insane asylums of the State, and repealing chapter 9 of the General Statutes of 1868.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868.

House bill No. 279, An act regarding the distribution and sale of Supreme Court reports.

Senate bill No. 158, An act regulating the time for holding schools in the State of Kansas.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876.

House bill No. 190, An act to amend section 1, chapter 57, of Laws of 1876, being "An act to amend section 27, chapter 23 of the General Statutes of the State of Kansas."

House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves.

House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, relating to stock.

Senate bill No. 147, An act to authorize cities of the second class to surrender their charters and organize towns.

House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875.

House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

Substitute for Senate bill No. 186, An act to authorize the Secretary of State to purchase 3,000 copies of the Statutes of the State of Kansas, and making an appropriation therefor.

House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county.

Senate bill No. 4, An act to amend chapter 34, acts 1876, to provide for the assessment and collection of taxes.

Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove.

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

Substitute for House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881.

Substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose.

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, A. D. 1880, and June 30, A. D. 1881.

Senate bill No. 66, An act making an appropriation for the

erection of extensions to the building of the Kansas Institution for the Education of the Deaf and Dumb during the years A. D. 1879 and 1880.

Senate bill No. 152, An act for the relief of certain persons therein named.

Senate bill No. 164, An act in relation to State department, the powers and duties of State officers, the official State paper and the great seal of the State.

House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to provide for the building of bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund.'"

Substitute for House bill No. 288, An act relating to hedge fences along public highways and dividing farms.

House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1871.

Substitute for House bill No. 272, An act amending section 260 of chapter 31, article 7, Laws of 1868, entitled "An act regulating crimes and punishments," approved March 3, 1868.

Substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle.

Substitute for House bill No. 343, An act to amend an act approved March 2, 1877, entitled "An act to amend section 1 of an act approved February 25, 1876, entitled 'An act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of the Laws of 1874.'"

House bill No. 329, An act to authorize money belonging to the interest and sinking fund of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts.

House bill No. 336, An act to authorize the boards of county commissioners in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

House bill No. 345, An act to apportion the State for Senators and Representatives.

Substitute for House bill No. 240, An act amendatory of and supplemental to chapter 25 of the general laws of 1868.

House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868.

House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 13, chapter 122, Laws of 1876; section 5, chapter 124, Laws of 1874; chapter 124, Laws of 1876; and chapter 44, Laws of 1877.

House bill No. 369, An act for the regulation and support of common schools.

House bill No. 362, An act to authorize money belonging to the interest and sinking fund of certain townships to be transferred to the general fund of such townships.

House bill No. 310, An act amendatory of an act to provide for the time for holding court in the Fifth Judicial District, approved March 3, 1877.

House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor.

House bill No. 334, An act to legalize the official acts of A. P. Boswell, as Trustee of Parker township, in Montgomery county, Kansas, and as County Commissioner of Montgomery county, Kansas.

House bill No. 382, An act to authorize executors and administrators with the will annexed to convey real estate in pursuance of power contained in the will.

Substitute for House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas.

House bill No. 377, An act to authorize the Board of County Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river, in Clay county.

House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio.

Senate bill No. 155, An act providing for the reception of United States prisoners in the county jails and Penitentiary of the State of Kansas.

Senate bill No. 44, An act to provide for the better protection



of people who assemble in public halls and places of amusement, and who travel by rail, in the State of Kansas.

House bill No. 389, An act to amend section 13, article 2 of school laws.

Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122 of the Laws of 1876, being "An act for the regulation and support of common schools."

Senate bill No. 13, An act to legalize an act of the Board of County Commissioners of Wilson county.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same.

Senate bill No. 58, An act in relation to the State Historical Society.

House bill No. 391, An act authorizing private persons to lay off and establish cemeteries.

House bill No. 403, An act concerning district courts, and prescribing certain duties of the judges thereof.

Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A. T. & S. F. Railroad Company which is now held, or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township.

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same.

Senate bill No. 10, An act to provide for the enrollment of the military for the organization of the National Guards of the State of Kansas, and for the public defense.

Senate bill No. 84, An act to amend sections 13 and 19 of an act entitled "An act fixing the fees of certain officers and persons therein named," chapter 39, General Statutes of 1868.

Senate bill No. 77, An act to enable the Board of County Commissioners of Coffey county, Kansas, to purchase the Leroy bridge.

Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas,

upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872.

House bill No. 402, An act for the relief of James P. Cooper, County Treasurer of Mitchell county, State of Kansas.

House bill No. 412, An act to authorize the School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental funds to assist in the erection of a school house.

Senate bill No. 26, An act authorizing and directing county commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same.

Senate bill No. 5, An act authorizing the appointment of stenographers for the district courts of the State of Kansas, and fixing their compensation.

Senate bill No. 163, An act to authorize the township of Blue Rapid city, in Marshall county, Kansas, to issue bonds to protect roads and bridges in said township.

Senate bill No. 142, An act to enable the County Commissioners of Lyon county, in the State of Kansas, to appropriate certain moneys raised to pay interest on bonds voted by said county to the Kansas City, Emporia & Southern Railroad Company, for the year 1877, to the improvement of the court house and jail of said county, and to build fire-proof offices for county officers.

Senate bill No. 153, An act to authorize school boards to transfer surplus sinking and interest funds to other funds.

Senate bill No. 172, An act to amend section 49 of an act entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons," approved February 28, 1868.

Senate bill No. 180, An act to authorize the city of Ottawa and its corporate authorities to levy an annual tax for the maintenance and support of its public library.

Senate bill No. 92, An act to amend chapter 74 of the Statutes of 1873.

Senate bill No. 49, An act to amend an act entitled "An act defining the boundaries of counties."

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of

Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund.

House bill No. 213, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city, township or county hereafter subscribing to stock of any railroad company.

House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay the interest and principal upon certain township bonds, and to fix the maximum thereof.

Senate bill No. 52, An act to amend section 8 of article 4 of chapter 122, relative to common schools, Laws of 1876, and supplemental thereto.

House bill No. —, An act to amend sections 6 and 7 of chapter 117 of the Laws of 1877, entitled "An act authorizing the appointment of a Commissioner of Fisheries, and for the protection of fish in the waters of the State of Kansas, and making appropriations for the salary of the Commissioner."

#### THIRD READING OF BILLS RESUMED.

House bill No. 163, An act supplemental to an act entitled "An act for the regulation of the running at large of animals," approved February 24, 1872, being chapter 93 of the Session Laws of Kansas of 1872, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 85; constitutional majority, 65. Yeas, 76; nays, 9; absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Butts, Calvin, Cool, Cunningham, Danhaur, Ewing, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hartshorne, Hankins, Helmick, Henderson, Hewins, Humes, James of Shawnee, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Myers, Price, Prunty, Raybell, Riggs, Robb, Sallee, Selover, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Waite of Pawnee, Walker, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Boggs, Bull, Eggers, Ellison, Farris, Hamilton of Marshall, Hamilton of Norton, and Willey.

Gentlemen absent or not voting were: Messrs. Ballard, Berry, Bevins, Biddle, Bower, Brown, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Donahue, Eastland, Eckles, Fisler, Gable (Thos. P.), Hall, Hodge, Hossack, Huffaker, Hutchison, James of Wyandotte, Keller, Kollock, Majors, Martin of Miami, McClintick, Morgan, Parsons, Randolph, Rath, Rice, Richards, Rood, Scott, Seaton, Shaw, Smith of Marshall, Tucker, Wait of Lincoln, Wait of Linn, Watson, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### REPORTS OF STANDING COMMITTEE.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves, have compared the engrossed copy with the original bill, and direct me to report the same back to House correctly engrossed.

GEORGE TAYLOR, *Chairman*.



MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred substitute for House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

On motion of Mr. Danhaur, the House, at 10:25 o'clock, adjourned.

WIRT W. WALTON, *Chief Clerk*.

---

## FORTIETH DAY.

---

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 6, 1879. }  
9:30 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bevins, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Games, Gillespie, Gilmore, Greiffenstein, Hall, Hankins, Henderson, Hewins, Hodge, James of Wyandotte, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty,

Randolph, Raybell, Rice, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Wiley, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Berry, Bissell, Bower, Brown, Callen, Clark, Congdon, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kelley, Kollock, Martin of Kingman, Rath, Richards, Riggs, Watson, and Wilson of Jackson.

Quorum present.

On motion of Mr. Manning, the reading of yesterday's journal was dispensed with.

On motion, leave of absence was granted Mr. Hutchison, on account of sickness.

Mr. Humes was granted leave of absence, on account of sickness in his family.

#### INTRODUCTION OF BILLS.

By consent, Mr. Baker introduced House bill No. 417, An act to legalize the official acts of H. H. Reed, a Justice of the Peace in Center township, Smith county, Kansas.

Mr. Morgan introduced House bill No. 418, An act to amend section 1, article 16, chapter 122 of Session Laws of 1876.

Mr. Hodge introduced House bill No. 419, An act supplementary to section 3, chapter 8 of the Session Laws of 1876, being "An act to apportion the State for Senators and Representatives," approved March 2, 1876, which were read the first and second time, and ordered to the foot of the calendar, subject to amendment and debate.

Mr. Prunty moved to reconsider the vote by which House bill No. 364, An act in relation to the support of common schools, failed to pass.

Mr. Bruner moved to lay the motion on the table, which motion did not prevail.

The motion to reconsider prevailed.

The question then being on the final passage of the bill, the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 36; nays, 47; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Beaty, Bevins, Callen, Cool, Corbin, Donahue, Ellison, Ewing, Farris, Greever, Greiffenstein, Helmick, Henderson, Lawson, Legate, Loy, Martin of Labette, McClintick, McCrumb, Miller, Morgan, Myers, Parsons, Prunty, Riggs, Rood, Smith of Marshall, Spilman, Stumbaugh, Waite of Pawnee, Walker, Watson, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barrackman, Bishop, Breyfogle, Bruner, Calvin, Clark, Clogston, Cunningham, Eckles, Games, Gillespie, Gilmore, Godfrey, Hewins, Hodge, Hossack, Leonard, Majors, Manning, Martin of Miami, McKay, McMillen, Moore, Price, Raybell, Rice, Richards, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Stewart, Stitt, Tallman, Taylor, Towle, Tucker, Wait of Linn, White, Willey, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barber, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Clapp, Congdon, Danhaur, Eastland, Eggers, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Martin of Kingman, Randolph, Rath, Robb, Selover, Wait of Lincoln, Wilson of Jackson, and Speaker Clarke.

Less than a constitutional majority having voted in the affirmative, the bill did not pass.

Mr. Legate moved that the Sergeant-at-Arms be instructed to clear the hall of all persons other than members and officers of the House. The motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 27, providing for the adjournment of the Legislature *sine die*.

Also, Senate concurrent resolution No. 28, relating to economizing gas in the State House.

HENRY BRANDLEY, *Secretary*.

## THIRD READING OF BILLS.

Senate bill No. 31, An act to amend section 12 of article 3, concerning partition fences, approved January 27, 1868, was read, and on motion its further consideration was indefinitely postponed.

House bill No. 279, An act regarding the sale and distribution of Supreme Court Reports, was reported by the Clerk.

By consent, Mr. Smith, of Marshall, moved to amend by striking out "\$4.00" and inserting "\$3.00" and striking out "\$3.00" and inserting "\$2.60" per copy as the price for which said reports shall be sold. The motion prevailed.

The bill was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 94; nays, 0; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Bevins, Bishop, Blackman, Blanchard, Boggs, Briggs, Bronson, Brown, Bruner, Butts, Calvin, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartsborne, Hankins, Henderson, Hodge, Hossack, James of Shawnee, James of Wyandotte, Keller, Kennedy, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Barrackman, Beaty, Berry, Biddle, Bissell, Bower, Breyfogle, Brinkman, Bull, Callen, Clapp, Congdon, Ewing, Faulkner, Fisler, Greever, Helmick, Hewins, Huffaker, Humes, Hutchison, Kelley, Kollock, Lawson, Legate, Majors, Martin of Kingman, McMillen, Parsons, Rood, Shaw, Watson, White, and Wilson of Jackson.



And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 158, An act regulating the time for holding schools in the State of Kansas, was read the third time.

Whereupon Mr. Manning moved that its further consideration be indefinitely postponed, which motion prevailed.

House bill No. 190, An act to amend section 1, chapter 57 of the Laws of 1876, being "An act to amend section 27, chapter 23 of the General Statutes of the State of Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 87; nays, 5; absent or not voting, 37.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Bevins, Biddle, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clapp, Clark, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ewing, Farris, Gable (Thos. P.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, James of Shawnee, Keller, Kennedy, Lawson, Legate, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Prunty, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Taylor, Towle, Wait of Lincoln, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Cool, Corbin, Hodge, and Waite of Pawnee.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Berry, Bishop, Bissell, Bower, Briggs, Bull, Callen, Clogston, Congdon, Ellison, Faulkner, Fisler, Gable (Frank M.), Hamilton of Marshall, Hartshorne, Hewins, Hosack, Huffaker, Humes, Hutchison, James of Wyandotte, Kelley, Kollock, Leonard, Martin of Kingman, Morgan, Randolph,

Rath, Raybell, Rood, Stumbaugh, Tucker, Wait of Linn, Walker, and Watson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

(The Chief Clerk being absent signing bills, on motion of Mr. Legate, the Minute Clerk was directed to report the bills passed at the morning session to the Senate.)

House bill No. 252, An act to amend section 5 of chapter 105 of General Statutes of 1868, was read, and, on motion of Mr. Manning, was indefinitely postponed.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 81; nays, 6; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Berry, Bishop, Blackman, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Clogston, Cunningham, Danhaur, Donahue, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Gilmore, Greever, Greiffenstein, Hamilton of Norton, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Legate, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Moore, Morgan, Price, Prunty, Randolph, Rath, Rice, Richards, Riggs, Rood, Sallee, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Biddle, Cool, Corbin, Leonard, McKay, and Selover.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Baker, Beaty, Bevins, Bissell, Blanchard, Boggs, Brinkman, Bull, Butts, Callen, Clapp, Congdon, Eastland, Eckles, Eggers, Godfrey, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes,

Kelley, Kollock, Lawson, Majors, Martin of Kingman, Myers, Parsons, Raybell, Robb, Scott, Smith of Marshall, Tallman, Tucker, Walker, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Legate moved to reconsider the vote by which the House failed to pass Senate bill No. 41, An act making appropriation to rebuild the State Normal School at Emporia, and providing for a donation thereto by the city of Emporia and the county of Lyon.

Mr. White moved to lay the motion on the table; upon which motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 101; majority under the rule, 51. Yeas, 21; nays, 80; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Ballard, Blackman, Blanchard, Corbin, Cunningham, Donahue, Godfrey, Greever, Hall, Hamilton of Marshall, Henderson, Keller, Moore, Prunty, Sallee, Scott, Selover, Smith of Bourbon, Tallman, Taylor, and White.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Bevins, Biddle, Bissell, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Butts, Calvin, Clapp, Clark, Clogston, Danhaur, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Price, Randolph, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Seaton, Shaw, Spilman, Stewart, Stitt, Stumbaugh, Towle, Tucker, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Bishop, Brinkman, Bull, Callen, Congdon, Cool, Eastland, Faris, Gable (Frank M.), Hartshorne, Hankins, Helmick, Hossack,

Huffaker, Humes, Kelley, Kollock, Martin of Kingman, Martin of Labette, Morgan, Myers, Parsons, Smith of Marshall, Wait of Lincoln, Walker, and Wilson of Jackson.

So the motion to lay on the table did not prevail.

The Chief Clerk was directed to request of the Senate the return of Senate bill No. 41.

The following message was received :

MR. SPEAKER: I am directed to return to the House, at its own request, Senate bill No. 41, An act making appropriation to rebuild the State Normal School, at Emporia, and providing for a donation by the city of Emporia and the county of Lyon.

HENRY BRANDLEY, *Secretary.*

The question then being on the final passage of Senate bill No. 41, the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 98 ; constitutional majority, 65. Yeas, 70; nays, 28; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Berry, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Butts, Calvin, Clapp, Clark, Clogston, Danhaur, Eckles, Eggers, Ewing, Faulkner, Fisler, Gilmore, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Hossack, Hutchison, James of Shawnee, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Myers, Price, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Seaton, Shaw, Smith of Marshall, Stumbaugh, Towle, Tucker, Waite of Pawnee, Watson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Baker, Ballard, Bevins, Biddle, Blackman, Blanchard, Cool, Corbin, Cunningham, Ellison, Farris, Hall, Hamilton of Marshall, Henderson, James of Wyandotte, Keller, Martin of Labette, Moore, Prunty, Sallee, Scott, Selover, Stewart, Stitt, Tallman, Taylor, Wait of Linn, and White.

Gentlemen absent or not voting were: Messrs. Bishop, Bissell, Bull, Callen, Congdon, Donahue, Eastland, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Harts-horne, Huffaker, Humes, Kelley, Kollock, Manning, Martin of



Kingman, McKay, Morgan, Parsons, Rice, Smith of Bourbon, Spilman, Wait of Lincoln, Walker, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 98; constitutional majority, 65. Yeas, 73; nays, 25; absent or not voting, 31.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Bissell, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clark, Danhaur, Eastland, Eggers, Fisler, Gable (Frank M.), Gillespie, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Leonard, Majors, Manning, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Blanchard, Boggs, Bower, Clogston, Cool, Corbin, Cunningham, Eckles, Farris, Games, Henderson, Hewins, Hosack, Lawson, Loy, Martin of Labette, Raybell, Rice, Sallee, Smith of Bourbon, Stewart, Tallman, Wait of Linn, and Walker.

Gentlemen absent or not voting were: Messrs. Biddle, Bishop, Blackman, Briggs, Brown, Bull, Callen, Clapp, Congdon, Donahue, Ellison, Ewing, Faulkner, Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hartshorne, Helmick, Huffaker, Humes, Kollock, Martin of Kingman, Martin of Miami, Parsons, Randolph, Scott, Spilman, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 276, An act to provide for the taxation of State Normal School lands when sold, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 78; constitutional majority, 65. Yeas, 76; nays, 2; absent or not voting, 51.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Barber, Barrackman, Beaty, Bishop, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Games, Gilmore, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, Kennedy, Legate, Leonard, Loy, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Myers, Price, Raybell, Richards, Riggs, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Nemaha, and Woodard.

Messrs. Anderson of Ellsworth and Frank M. Gable voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Baker, Ballard, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Brinkman, Bull, Butts, Callen, Calvin, Congdon, Fisler, Gable (Thos. P.), Gillespie, Godfrey, Greever, Hartshorne, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Majors, Martin of Kingman, McCrumb, Morgan, Parsons, Prunty, Randolph, Rath, Rice, Robb, Smith of Marshall, Spilman, Taylor, Towle, Tucker, Walker, Watson, Wilson of Jackson, Wright, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 8, An act to organize and regulate the insane asylums of the State, and repealing chapter 9 of the General Statutes of 1868, was read the third time, and the question being,

Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 91; constitutional majority, 65. Yeas, 86; nays, 5; absent or not voting, 38.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Bevins, Biddle, Bishop, Bissell, Blanchard, Briggs, Brinkman, Brown, Bruner, Butts, Calvin, Clark, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Farris, Faulkner, Games, Gilmore, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Ballard, Boggs, Corbin, Hamilton of Marshall, and Wait of Lincoln.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Berry, Blackman, Bower, Breyfogle, Bronson, Bull, Callen, Clapp, Clogston, Congdon, Ellison, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Gillespie, Greever, Hall, Hartshorne, Hodge, Hossack, Huffaker, Humes, Kelley, Kennedy, Kollock, Martin of Kingman, Martin of Miami, McCrumb, Parsons, Randolph, Rood, Shaw, Tucker, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Hamilton, of Marshall, moved that the House do now adjourn, which motion did not prevail.

(The Speaker called Mr. Legate to the chair to preside temporarily.)

Mr. Smith, of Marshall, moved that the rules be suspended, and that Senate bill No. 164, An act in relation to State departments, the powers and duties of State officers, the official State

paper, and the great seal of the State, be considered engrossed and ordered to a third reading now.

The motion prevailed.

The following amendments, suggested by the Committee on State Affairs of the House, were read and agreed to:

By inserting in section 49, line 1, the words "State Normal School," and the word "State" before "University," in line 2 of said section.

Also add to section 80: "Such superintendent may also appoint an additional clerk, who shall act as clerk of the board of commissioners for the management and investment of the school funds; and such clerk shall perform such other duties as the superintendent may require, and for whose official acts such superintendent shall be responsible."

Also in section 81: Strike out word "first," and insert "fifteenth," whenever said words occur in said section.

Also in section 89: Insert the words, "and Superintendent of Public Instruction."

Also in section 81: Strike out "three," and insert "four."

Also in section 113: Strike out "State Agricultural College." Strike out, in line 8, "Superintendent of Public Instruction," and insert "the Secretary of State," and in line 10 strike out "the Secretary of State," and insert "Superintendent of Public Instruction."

Also in section 120, line 2: Strike out "Secretary of State," and insert "State Superintendent of Public Instruction."

Also in line 2, section 121: Strike out "State Agricultural College."

Also in line 2, and line 9, section 122: Strike out "State Agricultural College."

The bill was read the third time, and the question being, Shall the bill, as amended, pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 85; nays, 2; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Callen,



Clapp, Clark, Clogston, Congdon, Cool, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Manning, Martin of Labette, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Robb, Rood, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Martin of Miami, and McMillen.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Bevins, Bower, Butts, Calvin, Corbin, Cunningham, Donahue, Farris, Gilmore, Greever, Hall, Hamilton of Marshall, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Keller, Kollock, Majors, Martin of Kingman, McClintick, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Richards, Riggs, Sallee, Shaw, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 10, An act to provide for the enrollment of the military, for the organization of the National Guards of the State of Kansas, and for the public defense, being reported, by unanimous consent, the following amendments were made by Mr. Legate:

After the word "citizen," in the first line, insert "regardless of color," and at the close of section 1, add the following:

"And all persons who shall, on or before the 1st day of May of each year, make and file with the county clerk of their county an affidavit or affirmation that they are members of any religious society or organization whose creed or discipline prohibits the bearing of arms."

The bill was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 33; nays, 54; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Bronson, Butts, Clark, Danhaur, Eckles, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Games, Greever, James of Wyandotte, Kelley, Kennedy, Legate, Manning, Miller, Riggs, Robb, Shaw, Stitt, Towle, Waite of Pawnee, Watson, Willey, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Barrackman, Beaty, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Brown, Bull, Calvin, Clogston, Cool, Cunningham, Donahue, Eggers, Farris, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Helmick, Henderson, Hossack, Lawson, Leonard, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Moore, Myers, Rath, Raybell, Rice, Rood, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Walker, Wilson of Jackson, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Berry, Bevins, Biddle, Bishop, Bower, Bruner, Callen, Clapp, Congdon, Corbin, Eastland, Gable (Thos. P.), Godfrey, Hall, Hamilton of Marshall, Hartshorne, Hankins, Hewins, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, Keller, Kollock, Loy, Majors, Martin of Kingman, McClintick, Morgan, Parsons, Price, Prunty, Randolph, Richards, Sallee, Spilman, Stumbaugh, Tucker, and White.

Less than a constitutional majority having voted for the passage of the bill, the bill did not pass.

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65. Yeas, 79; nays, 1; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Baker, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clapp, Clark,

Clogston, Cool, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ewing, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greiffenstein, Henderson, Hewins, Hossack, James of Shawnee, Kelley, Legate, Loy, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Rath, Raybell, Rice, Riggs, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Berry voted nay.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Bevins, Blackman, Bower, Briggs, Brown, Callen, Congdon, Corbin, Eastland, Ellison, Farris, Fisler, Gable (Thos. P.), Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Leonard, Majors, Martin of Kingman, McClintick, Morgan, Price, Prunty, Randolph, Richards, Robb, Sallee, Smith of Marshall, Spilman, Stewart, Tallman, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 84; nays, 3; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bishop, Bissell, Blanchard, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Clapp, Clark, Cool, Cunningham, Danhaur, Donahue, Eckles, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Games, Gillespie, Godfrey, Greiffenstein,

Hankins, Henderson, Hewins, Hodge, Hossack, Hutchison, James of Shawnee, James of Wyandotte, Kelley, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Prunty, Raybell, Rice, Riggs, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Corbin, Gilmore, and Morgan.

Gentlemen absent or not voting were: Messrs. Ballard, Berry, Biddle, Blackman, Boggs, Bower, Briggs, Butts, Callen, Calvin, Clogston, Congdon, Eastland, Farris, Fisler, Gable (Thos. P.), Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Huffaker, Humes, Keller, Kennedy, Kollock, Martin of Kingman, McClintick, Price, Randolph, Rath, Richards, Robb, Sallee, Smith of Marshall, Spilman, Towle, Tucker, Walker, White, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 225, An act authorizing county commissioners to offer a reward for the capture of horse thieves, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 72; nays, 14; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bishop, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Butts, Clark, Cool, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ellison, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Godfrey, Hankins, Henderson, Hewins, Hodge, Hossack, Hutchison, James of Shawnee, James of Wyandotte, Lawson, Loy, Majors, Manning, Martin of Miami, McCrumb, McKay, McMillen, Moore, Morgan, Raybell, Rice, Robb, Rood, Seaton, Selover, Shaw, Smith of Bourbon, Smith of



Marshall, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Briggs, Calvin, Eggers, Farris, Gilmore, Legate, Martin of Labette, Miller, Prunty, Riggs, Taylor, Towle, and White.

Gentlemen absent or not voting were: Messrs. Berry, Bevins, Biddle, Bissell, Blackman, Bower, Bull, Callen, Clapp, Clogston, Congdon, Eastland, Ewing, Gable (Thos. P.) Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Helmick, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Leonard, Martin of Kingman, McClintick, Myers, Parsons, Price, Randolph, Rath, Richards, Sallee, Scott, Spilman, Stewart, Stitt, Walker, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 147, An act to authorize cities of the second class to surrender their charters and organize towns, was reported by the Clerk.

On motion of Mr. Manning, section 1 was amended, by striking out "fifty," and inserting "one-third," and section 2, by striking out "may," and inserting "shall."

Mr. Gilmore demanded the previous question, on the final passage of the bill.

The demand being supported, on motion the previous question was ordered; whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 90; constitutional majority, 65. Yeas, 42; nays, 48; absent or not voting, 39.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Ballard, Bevins, Biddle, Blackman, Breyfogle, Brinkman, Calvin, Ellison, Ewing, Gable (Frank M.), Gillespie, Greiffenstein, Hankins, Henderson, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Loy, Manning, McClintick, McKay, McMillen, Miller, Morgan, Myers, Parsons, Rath, Richards, Riggs, Robb, Shaw, Stitt, Stumbaugh, Towle, Waite of Pawnee, Willey, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Ellsworth, Barrackman, Beaty, Berry, Bishop, Bissell, Blanchard, Boggs, Briggs, Bronson, Brown, Clark, Clogston, Cool, Corbin, Donahue, Eggers, Farris, Godfrey, Hamilton of Marshall, Hamilton of Norton, Helmick, Hewins, Hossack, Lawson, Leonard, Majors, Martin of Labette, Martin of Miami, McCrumb, Moore, Prunty, Raybell, Rice, Sallee, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Tallman, Taylor, Tucker, Wait of Linn, Watson, Wilson of Jackson, and Woodard.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Baker, Barber, Bower, Bruner, Bull, Butts, Callen, Clapp, Congdon, Cunningham, Danhaur, Eastland, Eckles, Faulkner, Fisler, Gable (Thos. P.), Games, Gilmore, Greever, Hall, Hartshorne, Hodge, Huffaker, Humes, James of Shawnee, Kollock, Legate, Martin of Kingman, Price, Randolph, Rood, Scott, Spilman, Wait of Lincoln, Walker, White, and Wilson of Nemaha.

Less than a constitutional majority having voted in the affirmative, the bill did not pass.

Mr. Taylor, chairman of the Committee on Engrossed Bills, submitted the following privileged report:

MR. SPEAKER: Your Committee on Engrossed Bills, to whom was referred House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872, have compared the engrossed copy with the original bill, and direct me to report the same back to the House correctly engrossed.

GEORGE TAYLOR, *Chairman*.

By unanimous consent, Messrs. F. M. Gable and R. B. Spilman were granted leave of absence during the remainder of the session, on account of sickness in their respective families.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 183, An act to legalize the acts of Asahil Pen-

field, a Justice of the Peace of Wilmington township, in Wabunsee county, Kansas.

Senate bill No. 176, An act to provide for the payment of the State of Kansas for the prosecuting of claims against the United States.

Senate bill No. 171, An act defining the boundaries of Barton and Pratt counties, and repealing section 73, chapter 24, General Statutes of 1868.

Senate bill No. 187, An act making appropriations for paying for the services, transportation and subsistence of State militia, and other expenses incurred in suppressing the railroad strike in April, 1878.

Senate bill No. 188, An act making appropriations for State printing for the deficiency to June 30, 1878, the deficiency of June 30, 1879, and for the fiscal years ending June 30, 1880 and June 30, 1881. HENRY BRANDLEY, *Secretary*.

House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 73; nays, 19; absent or not voting, 37.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Butts, Clapp, Clogston, Danhaur, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gilmore, Greiffenstein, Hankins, Henderson, Hewins, Hutchison, James of Shawnee, Keller, Legate, Leonard, Loy, Majors, Manning, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Rath, Raybell, Rice, Richards, Sallee, Scott, Shaw, Stewart, Stitt, Tallman, Taylor, Tucker, Wait of Lincoln, Wait of Linn, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Armstrong, Blanchard, Bull, Calvin, Clark, Corbin, Cunningham, Gillespie, Godfrey, Hamilton of Norton, Kelley, Kennedy, Martin of La-

bette, Martin of Miami, Robb, Seaton, Selover, Smith of Marshall, and Waite of Pawnee.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Bower, Briggs, Brown, Callen, Congdon, Cool, Donahue, Eastland, Eckles, Eggers, Gable (Thos. P.), Games, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Lawson, Martin of Kingman, Myers, Price, Randolph, Riggs, Rood, Smith of Bourbon, Spilman, Stumbaugh, Towle, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 316, An act to regulate the admission of foreign insurance companies to do business in this State, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 84; nays, 3; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Brinkman, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Gillespie, Gilmore, Godfrey, Greiffenstein, Hankins, Henderson, Hewins, Hutchison, James of Wyandotte, Kelley, Lawson, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Towle, Tucker, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Norton, Tallman, and Wait of Linn.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Ballard, Berry, Bevins, Biddle, Bower, Breyfogle, Briggs, Bronson, Brown, Callen, Clark, Congdon, East-



land, Eckles, Farris, Fisler, Gable (Thos. P.), Games, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hosack, Huffaker, Humes, James of Shawnee, Keller, Kennedy, Kollock, Martin of Kingman, Myers, Parsons, Price, Randolph, Smith of Marshall, Spilman, Taylor, Wait of Lincoln, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for Senate bill No. 186, An act to authorize the Secretary of State to purchase 3,000 copies of the Statutes of the State of Kansas, and making an appropriation therefor, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 74; nays, 9; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Bevins, Biddle, Bishop, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Butts, Clapp, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Ewing, Gable (Frank M.), Greiffenstein, Hankins, Henderson, Hewins, James of Shawnee, James of Wyandotte, Keller, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Rath, Rice, Riggs, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown, Clogston, Cool, Gilmore, Hamilton of Marshall, Hamilton of Norton, Raybell, Rood, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Beaty, Berry, Bissell, Blackman, Bower, Bull, Callen, Calvin, Clark, Congdon, Eckles, Eggers, Farris, Faulkner, Fisler, Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Hall, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Humes, Hutchison, Kelley, Kennedy, Kollock, Lawson, Mar-

tin of Kingman, McKay, Myers, Price, Randolph, Richards, Robb, Spilman, Tucker, White, Willey, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has amended House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, by striking out, in sections 1 and 2, the words, "and University," and has amended the bill so as to read, "An act to extend and prescribe the time of payment of securities belonging to the State permanent school fund," and has passed the same as so amended.

HENRY BRANDLEY, *Secretary*.

House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 78; nays, 5; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Baker, Barber, Barrackman, Biddle, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Farris, Faulkner, Fisler, Gilmore, Godfrey, Greiffenstein, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Blackman, Gable (Frank M.), Hamilton of Norton, and Wait of Lincoln.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Ballard, Beaty, Berry, Bevins, Bishop, Bissell, Bower, Brown, Bull, Butts, Callen, Calvin, Congdon, Eckles, Eggers, Ewing, Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes, Kelley, Kennedy, Kollock, Majors, Manning, Martin of Kingman, Martin of Miami, Myers, Price, Randolph, Richards, Selover, Smith of Bourbon, Spilman, Stewart, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 50, An act to vacate certain streets and alleys in the city of Council Grove, Morris county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 78; nays, 5; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Baker, Barber, Barrackman, Biddle, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Farris, Faulkner, Fisler, Gilmore, Godfrey, Greiffenstein, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Blackman, Gable (Frank M.), Hamilton of Norton, and Wait of Lincoln.

Gentlemen absent or not voting were: Messrs. Anderson of

Cherokee, Armstrong, Ballard, Beaty, Berry, Bevins, Bishop, Bissell, Bower, Brown, Bull, Butts, Callen, Calvin, Congdon, Eckles, Eggers, Ewing, Gable (Thos. P.), Games, Gillespie, Greever, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes, Kelley, Kennedy, Kollock, Majors, Manning, Martin of Kingman, Martin of Miami, Myers, Price, Randolph, Richards, Selover, Smith of Bourbon, Spilman, Stewart, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 4, An act to amend chapter 34, acts of 1876, to provide for the assessment and collection of taxes, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 85; constitutional majority, 65. Yeas, 71; nays, 14; absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Bevins, Bidle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Cool, Cunningham, Donahue, Eggers, Ellison, Ewing, Farris, Gilmore, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, Miller, Morgan, Parsons, Price, Prunty, Randolph, Riggs, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Tallman, Taylor, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Clark, Clogston, Corbin, Eastland, Faulkner, James of Shawnee, James of Wyandotte, Manning, Moore, Sallee, Stewart, Towle, Wait of Lincoln, and Willey.

Gentlemen absent or not voting were: Messrs. Armstrong, Beaty, Berry, Bissell, Bower, Brown, Butts, Callen, Calvin, Clapp, Congdon, Danhaur, Eckles, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gillespie, Godfrey, Greever, Hall,



Hartshorne, Henderson, Hossack, Huffaker, Humes, Hutchison, Kollock, Martin of Kingman, McCrumb, McKay, McMillen, Myers, Rath, Raybell, Rice, Richards, Robb, Rood, Scott, Spilman, Stumbaugh, White, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 81; nays, 2; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Barber, Bevins, Biddle, Bishop, Blackman, Boggs, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clapp, Clark, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Gable (Frank M.), Gillespie, Gilmore, Greiffenstein, Hall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, James of Shawnee, Keller, Kelley, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Parsons, Price, Prunty, Randolph, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Farris and Hamilton of Marshall.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Bissell, Blanchard, Bower, Brinkman, Bull, Butts, Callen, Clogston, Congdon, Corbin, Eggers, Faulkner, Fisler, Gable (Thos. P.), Games, Godfrey, Greever, Hartshorne, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Lawson, Legate, Martin of Kingman, Moore, Rath, Richards, Selover, Shaw, Smith of Marshall, Spilman, Wait of Linn, Watson, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 235, An act making appropriations for the current expenses of the Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 85; nays, 1; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clogston, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gillespie, Godfrey, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Myers, Price, Prunty, Randolph, Raybell, Rice, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Towle, Tucker, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Brown voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Berry, Bevins, Biddle, Bissell, Bower, Callen, Clapp, Clark, Congdon, Corbin, Eggers, Gable (Thos. P.), Games, Gilmore, Greever, Hall, Hamilton of Marshall, Hartshorne, Helmick, Hodge, Hossack, Huffaker, Humes, Hutchison, Keller, Kollock, Manning, Martin of Kingman, Moore, Morgan, Parsons, Rath, Richards, Riggs, Rood, Spilman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for Senate bill No. 20, An act to authorize and provide for the erection and completion of the west wing of the State House, and to issue the bonds of the State, and appropriating the proceeds thereof for that purpose, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 113; constitutional majority, 65. Yeas, 88; nays, 25; absent or not voting, 16.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Bevins, Biddle, Bishop, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Clapp, Corbin, Danhaur, Donahue, Eastland, Eckles, Ewing, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hosack, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Legate, Leonard, Loy, Manning, McCrumb, McKay, McMillen, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Stitt, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, Woodward, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bissell, Blackman, Blanchard, Callen, Calvin, Clark, Clogston, Cool, Cunningham, Eggers, Ellison, Farris, Faulkner, Hall, Hamilton of Marshall, Kelley, Kennedy, Martin of Labette, Martin of Miami, McClintick, Miller, Raybell, Smith of Bourbon, Stewart, and Towle.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Barrackman, Berry, Congdon, Gable (Thos. P.), Hartshorne, Huffaker, Humes, Kollock, Majors, Martin of Kingman, Moore, Richards, Rood, Spilman, and White.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending

June 30, A. D. 1880, and June 30, A. D. 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 96; constitutional majority, 65. Yeas, 90; nays, 6; absent or not voting, 33.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Butts, Calvin, Clapp, Clark, Clogston, Cool, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, James of Wyandotte, Keller, Kelley, Lawson, Legate, Leonard, Loy, Majors, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Marshall, Stewart, Stumbaugh, Tallman, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Corbin, Ellison, Hamilton of Marshall, Martin of Kingman, Martin of Miami, and Smith of Bourbon.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Barrackman, Bevins, Bishop, Brown, Bull, Callen, Congdon, Cunningham, Donahue, Gable (Frank M.), Gable (Thos. P.), Hall, Hartshorne, Hossack, Huffaker, Humes, Hutchison, Kennedy, Kollock, Manning, Moore, Price, Richards, Rood, Seaton, Spilman, Stitt, Towle, Tucker, Wait of Lincoln, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 66, An act making an appropriation for the erection of extensions to the building of the Kansas Institution for the Education of the Deaf and Dumb, during the years A. D. 1879 and 1880, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:



Whole number of votes cast, 88; constitutional majority, 65. Yeas, 87; nays, 1; absent or not voting, 41.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bruner, Butts, Calvin, Clark, Cool, Cunningham, Danhaur, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, James of Wyandotte, Kennedy, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Myers, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wright, and Speaker Clarke.

Mr. Keller voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Beaty, Berry, Briggs, Bronson, Brown, Bull, Callen, Clapp, Clogston, Congdon, Corbin, Donahue, Eastland, Gable (Thos. P.), Hall, Hartshorne, Hossack, Huffaker, Humes, Hutchison, Kelley, Kollock, Lawson, Martin of Kingman, McCrumb, Morgan, Parsons, Price, Randolph, Richards, Rood, Spilman, Tallman, Wait of Lincoln, White, Wilson of Jackson, Wilson of Nemaha, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 151, An act to suppress houses of prostitution.

Senate bill No. 120, An act relating to county jails.

Senate bill No. 182, An act concerning the service of notice of protest, and to repeal section 1, chapter 110, Laws of 1871.

Senate bill No. 141, An act to amend section 1 of chapter 67 of General Statutes of 1868.

Senate bill No. 112, An act to prohibit persons from hunting upon lands of others without leave, and to repeal chapter 167 of the Laws of 1872.

Senate bill No. 60, An act to amend section 3 of article 4, chapter 122, relating to common-school laws of 1876.

Senate bill No. 21, An act relative to votes of aid to railway and other corporations.

Senate bill No. 98, An act to amend section 55, chapter 37 of the General Statutes of the State of Kansas, entitled "An act respecting executors and administrators, and the settlement of deceased persons."

HENRY BRANDLEY, *Secretary*.

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 190, An act to amend section 1, chapter 57 of the Laws of 1876, being "An act to amend section 27, chapter 23 of the General Statutes of 1868," in relation to powers and duties of corporations.

Has amended House bill No. 166, An act relating to taxation in Leavenworth county, and has amended House bill No. 277, An act to validate the election in Harper county, held on the 5th day of November, 1878, temporarily locating the county seat at the town of Anthony, by inserting a new section, to become section 2 of the bill, renumbering the remaining sections, and by changing the title by adding thereto, "and to provide for the permanent location of the county seat of said Harper county," and has passed the bill as so amended.

Also, has passed Senate bill No. 192, An act to legalize the incorporation of the city of McPherson, Kansas, and subsequent acts of its City Council.

HENRY BRANDLEY, *Secretary*.

#### APPOINTMENTS.

The Speaker announced the following appointments:

By virtue of the authority vested in me, I hereby appoint Mrs. B. Mackhale Sixteenth Assistant Enrolling Clerk of the House of Representatives.

(Signed)

SIDNEY CLARKE,  
*Speaker of the House.*

Mrs. Mackhale came forward, and subscribed to the following oath of office:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and will faithfully discharge the duties of Sixteenth Assistant Enrolling Clerk of the House of Representatives of the State of Kansas. So help me God.

(Signed) MRS. B. MACKHALE.

Sworn and subscribed to before me, this 6th day of March,  
A. D. 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

Also, the following:

By virtue of the authority vested in me, I hereby appoint Miss Lizzie Holden Seventeenth Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,  
*Speaker of the House.*

Miss Holden appeared, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Seventeenth Assistant Enrolling Clerk of the House of Representatives of the State of Kansas to the best of my ability. So help me God.

(Signed) LIZZIE HOLDEN.

Subscribed and sworn to before me, this 6th day of March  
A. D. 1879.

SIDNEY CLARKE,  
*Speaker of the House.*

#### CHEYENNE INDIAN RAID OF 1878.

Mr. Leonard, chairman of the Committee on State Affairs, submitted the following special report:

MR. SPEAKER: On the 13th day of February, 1879, the following resolutions were adopted by the House:

"Whereas, A certain band of wild Indians traversed a certain portion of the western part of this State, during September and October, 1878, and committed many depredations and outrages: therefore, be it

"Resolved, That the Committee on State Affairs be, and they are hereby, instructed to investigate this matter and ascertain who, if any officers or

persons, were to blame in the premises, and report to this House the facts as they may be able to ascertain them, and also to report to this House what can be done by the Legislature to prevent a reoccurrence of such outrages; and in the performance of their duty under this resolution they are hereby authorized to employ a clerk and send for persons and papers."

In pursuance to said resolution, your committee have made such inquiry as their limited time and duties would permit, and find from such examination —

1st. That a body of Indians, about two hundred in number, entered the State near the west line of Barbour county; and

2d. Proceeded in a northwest direction, passed Dodge City, crossing the Kansas Pacific Railroad at several places.

3d. Divided up into small parties, reaching the north line of the State in Norton and Decatur counties.

4th. They were from twenty-five to twenty-seven days traversing the State, committing forty-two murders, and other outrages too horrible to publish. One girl of nineteen years of age was ravished fourteen times within one and one-half hours; also, girls under the age of eleven years were ravished. In fact, old and young, regardless of age, suffered at their hands the most inhuman treatment by these fiends in human shape.

5th. About September 18, one hundred and fifty United States soldiers, and fifty-two citizens under Dr. Davis, thirty miles south of Dodge, fought the Indians from 11 o'clock A. M. until sundown, but not a man was killed on either side. The officer commanding the United States troops would not be advised how to fight them, and withdrew, after which, the Indians had their own way, and before they crossed the Arkansas river killed seventeen men. Troops have been along the Kansas Pacific Railroad, but the Indians crossed over where and when they pleased. Twenty-five or thirty miles northeast of Wallace, the troops came up with the Indians lying in ambush, and had they not over-shot the troops, it would have been another Custer massacre. Col. Lewis was killed, and four soldiers wounded. The troops cut their way out, and returned to Wallace. The Indians then got over to South Fork of Solomon, twenty-four miles north, and seven miles west of Buffalo. They commenced their horrid work and extended it to the Sappa, a tributary of the Republican; how much further, not known. Seventeen bodies were found up to October 2, 1878.



From the beginning, it has been treated by the military department as a farce. The operations of the troops have been tardy and non-effective. Small bands crossed the Kansas Pacific Railroad for several days, and the people were without arms or protection of any kind, and no encouragement from any source. Gen. John Pope, commanding this department, reports that he had not the cavalry force to send at that time, and also states that infantry cannot be used to advantage to prevent such raids, as from the nature of his authority over the Indians, he cannot make a move until the Indians are actually on the move, or unless applied to by the Indian agent, and then it is too late for infantry to be used to advantage. Hon. George T. Anthony, Governor of Kansas, received a telegraph dispatch dated at Dodge City, September 18, 1878, stating that three hundred Indians were driving off stock and killing herders, and that the citizens of that locality were without arms and ammunition, signed by James Kelly, Mayor, and other citizens. This telegram was sent to Gen. Pope, by Governor Anthony, with an addition asking Gen. Pope if such reports were true, and if the State intervention was necessary to protect life and property. General Pope replied that he had just received a telegram from the commanding officers of Fort Dodge, who had for a week had his orders about the Indians, and that he made no mention of their being in the vicinity.

GEN'L POPE, *Fort Leavenworth*: Have referred parties calling for aid to commanding officer, Fort Dodge, and promising arms if U. S. forces cannot protect them. Special to Kansas City press reports murders by Indians near Dodge.

GEO. T. ANTHONY, *Governor*.

TO JAMES KELLY AND OTHERS, *Dodge City*: I have your demand for arms. Have you called on commanding officer at Fort Dodge for protection? He does not report trouble to Gen'l Pope. Will send, on special train, arms in charge of Adj't Gen. Noble.

GEO. T. ANTHONY, *Governor*.

DODGE CITY, Sept. 18, 1878.

GOV. ANTHONY: No United States troops here, and no arms at present. The country filled with Indians. Send arms immediately—breech-loaders.

JAMES H. KELLEY, *Mayor*.

GOV. GEO. T. ANTHONY: Indians are murdering, and burning houses, within three miles of town. All the arms we have have been sent out. Can you send us arms and ammunition immediately? From

H. SHINN,  
R. W. EVENS,  
C. W. WILLET, and others.

W. B. STRONG, *Gen. Manager of A., T., S. F. R. R., Topeka*: Can you send special with arms and ammunition in charge of Adj't Gen. Noble, to-night?

GEO. T. ANTHONY.

Dated: LEAVENWORTH, Sept. 18, '78.

TOPEKA, KAN., Sept. 18, 1878.

GEO. T. ANTHONY: Yes, sir; name the hour you wish to have the train start and the place you wish to reach.

W. B. STRONG.

LEAVENWORTH, KAS., Sept. 19, 1878.

P. S. NOBLE, *Adj't Gen'l*: Go to Dodge City with two hundred stand of arms and ammunition, on to-day's train, unless otherwise directed from there. Do not issue arms except upon receipt of competent officers of county or city, signed by five responsible citizens.

GEO. T. ANTHONY.

TOPEKA, Sept. 18, '78.

GEO. T. ANTHONY, *Governor, Leavenworth, Kansas*: Sent you two dispatches from Dodge. General Manager Strong stands ready to send special with arms or men. Answer.

P. S. NOBLE, *Adj't Gen.*

A special train was made ready by the General Manager of the Santa Fé Railroad, but no further orders were received by him, and it did not go out. Adj't. Gen. Noble remained at the telegraph office until 2 o'clock that night, but he received no further word, and went home, leaving specific instructions as to any telegram that might come. None were received until the next day, when orders came for him to go west on regular train; and free transportation was provided by the Atchison, Topeka & Santa Fé Railroad. Arms were asked for from other points. Hutchinson, Kansas, September 18, 1878, sent for one hundred needle guns, and ammunition. The arms asked for were shipped the same day, and put in the hands of Captains Freidley and Cochran, where they are now. Medicine Lodge also demanded arms. Adj't. Gen. Noble reports that he distributed these arms as follows: 40 stand and 2,000 ammunition, at Cimarron City; 60 stand and ammunition, to Capt. Freidley, of Medicine Lodge.

From that time until October 2, all seemed to be quiet, when, on that date, dispatches were received from Ellis, Wakeeney and Buffalo, asking for help and reporting outrages. Gen. Pope reports, October 2, "no hostile Indians in Kansas; no Cheyennes within a hundred miles of Buffalo to-day."

BUFFALO, KAS., October 2, 1878.

GEORGE T. ANTHONY, *Governor*: Seventeen men killed on Sappa; one wounded on Solomon night before last; settlers in southern Nebraska in great danger.

J. C. HENRY.

Telegrams of this import were received from different points.

October 2d Gov. Anthony telegraphed from Leavenworth to Adj't Noble to "prepare to go west on Kansas Pacific to-night." Adj't Gen'l Noble reported at K. P. depot, but could not ship arms, as no orders had been received by the agent. This mistake caused a delay of one day. The Adjutant General proceeded to Ellis with arms and ammunition, and distributed arms upon demand of citizens, and telegraphed to Gov. Anthony :

Rumor that Indians have broken out in the Territory, and Pope has telegraphed to the President for help, stating that it is beyond his control. Indians constantly burning and murdering, and the people along Beaver creek have been cleaned out.

P. S. NOBLE, *Adj't Gen'l*.

These telegrams were returned unanswered, as Gov. Anthony had started for Chicago at 10 o'clock that day. Demands were made for arms at points further west. Arms were delivered as follows, to comply with these demands: Wakeeney, 50 Sharp's carbines, J. F. Keeney; Carlyle, 10 carbines, O. B. Reehunds; Ellis, 50 carbines, G. W. Kimball; Buffalo, 30 Sharp's carbines, K. P. R. R. Co.; Ellis, 50 Sharp's carbines to J. C. Henry, and 20 Sharp's carbines to J. H. Edwards; Norton and Decatur counties, 100 carbines. "The whole county is alarmed, and the demand for arms ten fold that which can be supplied by the State." The Adjutant General was compelled, from the nature of the circumstances, to deliver many of the arms without bond, by letting citizens have them where, in his opinion, there was danger of an attack.

There is a great volume of correspondence connected with these troubles—demands for help, for money, in the way of claims for damages to life and property.

There is now constant and increasing demand for protection, by petitions to organize companies, and by letters from citizens on the frontier, and these demands require immediate attention.

Your Committee on State Affairs, to whom was referred the above resolution, have had the same under consideration, and do find that there was no adequate force of United States troops to patrol the frontier, and that Gen. Pope relied entirely on reports of army officers, ignoring the statements of reliable citizens, and thus causing delay.

We also find that Hon. George T. Anthony, Governor of the State, relied on the opinion of Gen. Pope, ignoring the dispatches

of citizens that should have received immediate attention, until it was too late to prevent the Indian raid, thus sacrificing many lives and much property. That the Governor made no adequate provision for preventing this Indian raid and these Indian outrages, and that no adequate organized effort was made therefor. That a few companies of militia properly organized could have driven these Indians away, and punished them as they deserved.

Your committee further find that no reliance whatever can be placed upon the United States troops and officers for protection on the frontier from these Indian raids by wild Indians. We therefore recommend that no more companies be organized in the interior of the State, until the frontier has been thoroughly protected by a well-organized body of militia properly equipped, to act as a mounted force in case of an Indian raid, composed of a reliable body of men that will live up to every obligation necessary to make a good soldier, ready at all times to respond to a call from his commander.

M. R. LEONARD, *Ch'n.* W. B. SCOTT.

H. T. HELMICK. L. W. BREYFOGLE.

J. J. STEWART. JOHN W. LOY.

(Upon this report, no action was taken by the House.)

On motion of Mr. Legate, at 6:30 o'clock P. M., the House adjourned, having continued in session from the morning hour.

---

### EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 6, 1879. }  
7:30 o'clock P. M.

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Clark, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner,



Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Kennedy, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Woodard, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Cherokee, Baker, Bevins, Bower, Briggs, Brown, Callen, Clapp, Clogston, Congdon, Corbin, Donahue, Ewing, Gable (Frank M.), Gable (Thos. P.), Hall, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Martin of Kingman, Price, Randolph, Richards, Selover, Spilman, Tucker, Wait of Lincoln, Walker, Wilson of Jackson, Wilson of Nemaha, and Wright.

Quorum present.

By consent, Senate amendments to House bill No. 277, An act to validate the election held in Harper county on the 5th day of November, A. D. 1878, to temporarily locate the county seat at the town of Anthony, in said county, were read, and the question being, Shall the House concur? the roll was called, with the following result:

Whole number of votes cast, 77. Yeas, 77; nays, 0; absent or not voting, 52.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Bronson, Bruner, Bull, Butts, Cool, Cunningham, Danhaur, Eckles, Ellison, Farris, Fisler, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Kennedy, Legate, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Stew-

art, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, White, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Bevins, Bishop, Bower, Briggs, Brinkman, Brown, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Corbin, Donahue, Eastland, Eggers, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Gillespie, Hall, Hamilton of Marshall, Hartshorne, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Martin of Kingman, McClintick, McMillen, Price, Randolph, Richards, Seaton, Selover, Spilman, Stitt, Tucker, Wait of Lincoln, Walker, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

A constitutional majority having voted in the affirmative, the Senate amendments were concurred in.

By consent, leave of absence was granted to Messrs. Hutchinson and Willey, on account of sickness.

### THIRD READING OF BILLS.

Senate bill No. 152, An act for the relief of certain persons therein named, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 79; constitutional majority, 65. Yeas, 79; nays, 0; absent or not voting, 50.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Armstrong, Ballard, Barber, Barrackman, Beaty, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Cool, Cunningham, Danhaur, Ellison, Farris, Fislser, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, James of Shawnee, James of Wyandotte, Kelley, Kennedy, Legate, Loy, Majors, Martin of Labette, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Towle, Wait of Linn, Waite of Pawnee, Watson, White, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Baker, Berry, Bevins, Biddle, Briggs, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Dona-

hue, Eastland, Eckles, Eggers, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Hall, Hamilton of Marshall, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, Keller, Kollock, Lawson, Leonard, Manning, Martin of Kingman, Martin of Miami, McMillen, Parsons, Randolph, Richards, Spilman, Taylor, Tucker, Wait of Lincoln, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 278, An act to amend section 2 of chapter 64 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to provide for the building of bridges, and to authorize county commissioners to levy a tax for the purpose of creating a bridge fund,'" was read by title, and by unanimous consent a substitute, offered by Mr. Riggs, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 76; constitutional majority, 65. Yeas, 74; nays, 2; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Ballard, Barber, Barrackman, Beaty, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Brinkman, Brown, Bruner, Butts, Callen, Calvin, Danhaur, Eastland, Eckles, Eggers, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Helmick, James of Shawnee, Keller, Kelley, Legate, Loy, Majors, Manning, Martin of Labette, McClintick, McKay, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Tallman, Towle, Wait of Linn, Waite of Pawnee, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Raybell and Taylor.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Berry, Bevins, Bower, Briggs, Bronson, Bull, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Cunningham, Donahue, Ellison, Ewing,

Gable (Thos. P.), Hall, Hamilton of Marshall, Hartshorne, Hankins, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Lawson, Leonard, Martin of Kingman, Martin of Miami, McCrumb, McMillen, Randolph, Richards, Selover, Spilman, Stewart, Tucker, Wait of Lincoln, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended to read, "An act to amend chapter 16 of the General Statutes, entitled 'An act for the building of bridges,'" was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 288, An act relating to hedge fences along public highways, and dividing farms, was reported by the Clerk.

Mr. Hamilton, of Marshall, moved to amend section 1 by striking out all after the word "duty," in the 4th line, which motion prevailed.

Mr. Albin moved to amend the 2d line of the 1st section by inserting, after the word "trim," the words "or lay," and after the word trimmed, the words "or laid," which motion prevailed.

Mr. Hamilton, of Marshall, moved that the further consideration of the bill be indefinitely postponed, which motion did not prevail.

The bill, as amended, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 28; nays, 44; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Albin, Beaty, Berry, Biddle, Brinkman, Bronson, Bruner, Calvin, Eckles, Ewing, Games, Gilmore, James of Shawnee, Keller, Martin of Labette, McClintick, McCrumb, Parsons, Price, Riggs, Sallee, Smith of Bourbon, Stewart, Tallman, Towle, Wait of Linn, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Brown, Bull, Clark, Cool, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Fisler, Gillespie, Godfrey, Greever, Hamilton of Marshall, Hankins, Helmick, Henderson, Hewins, Kelley, Lawson, Majors, Martin of Miami, McKay, Moore, Myers, Prunty, Rath,



Raybell, Rood, Scott, Seaton, Smith of Marshall, Taylor, and White.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Bevins, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Butts, Callen, Clapp, Clogston, Congdon, Corbin, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Legate, Leonard, Loy, Manning, Martin of Kingman, McMillen, Miller, Morgan, Randolph, Rice, Richards, Robb, Selover, Shaw, Spilman, Stitt, Stumbaugh, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, Watson, Willey, Wilson of Jackson, Woodard, and Wright.

Less than a constitutional majority having voted in favor of the passage of the bill, the bill did not pass.

House bill No. 348, An act to amend sections 81, 87, 88 of chapter 60 of the Session Laws of 1871, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 72; nays, 14; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Barber, Barrackman, Berry, Bishop, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Brown, Bruner, Bull, Calvin, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Hewins, James of Shawnee, Kelley, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Shaw, Smith of Bourbon, Stewart, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, White, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Ballard, Beaty, Bissell, Boggs, Butts, Fisler, Hamilton of Marshall, Henderson, Keller, Parsons, Smith of Marshall, Stitt, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Bevins, Biddle, Briggs, Bronson, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Donahue, Ellison, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hartshorne, Hodge, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kennedy, Kollock, Legate, Leonard, Martin of Kingman, McMillen, Randolph, Rice, Richards, Seaton, Selover, Spilman, Wait of Lincoln, Watson, Willey, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 272, An act amending section 260, of chapter 31, article 7, Laws of 1868, entitled "An act regulating crimes and punishments," approved March 3, 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 71; nays, 1; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barber, Barrackman, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Brown, Bruner, Bull, Butts, Calvin, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ewing, Farris, Games, Gillespie, Gilmore, Greever, Hamilton of Marshall, Hamilton of Norton, Hankins, Hewins, Kelley, Lawson, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Myers, Price, Prunty, Raybell, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, White, Woodard, and Speaker Clarke.

Mr. Blackman voted in the negative.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Ballard, Beaty, Berry, Bevins, Biddle, Bower, Briggs, Bronson, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Donahue, Ellison, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greiffenstein, Hall, Hartshorne, Helmick, Henderson, Hodge, Hossack, Huffaker, Humes, Hutchison, James

of Shawnee, James of Wyandotte, Keller, Kennedy, Kollock, Legate, Leonard, Martin of Kingman, McMillen, Morgan, Parsons, Randolph, Rath, Richards, Selover, Smith of Marshall, Spilman, Tallman, Wait of Lincoln, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 75; constitutional majority, 65. Yeas, 72; nays, 3; absent or not voting, 54.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barrackman, Beaty, Berry, Bevins, Biddle, Blackman, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bull, Butts, Clark, Cool, Cunningham, Danhaur, Eastland, Eckles, Ewing, Farris, Fisler, Gable (Frank M.), Gillespie, Gilmore, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Henderson, Hewins, Hossack, Kelley, Lawson, Majors, Manning, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Raybell, Rice, Riggs, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Walker, White, Woodard, and Wright.

Gentlemen voting in the negative were: Messrs. Martin of Labette, Stitt, and Waite of Pawnee.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Ballard, Barber, Bishop, Bissell, Blanchard, Bower, Briggs, Bruner, Callen, Calvin, Clapp, Clogston, Congdon, Corbin, Donahue, Eggers, Ellison, Faulkner, Gable (Thos. P.), Games, Godfrey, Hall, Hartshorne, Hankins, Helmick, Hodge, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Kollock, Legate, Leonard, Loy, Martin of Kingman, Parsons, Randolph, Rath, Richards, Robb,

Smith of Marshall, Spilman, Wait of Lincoln, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Eckles gave notice that he voted in the affirmative for the purpose of moving a reconsideration during the morning hour to-morrow.

Substitute for House bill No. 343, An act to amend an act approved March 2, 1877, entitled "An act to amend section 1 of an act approved February 25, 1876, entitled 'An act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of the Laws of 1874,'" was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 77; constitutional majority, 65. Yeas, 68; nays, 9; absent or not voting, 52.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Ballard, Barrackman, Berry, Biddle, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Brown, Bruner, Bull, Butts, Clark, Cool, Cunningham, Danhaur, Eastland, Eggers, Ellison, Ewing, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Lawson, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Rath, Raybell, Riggs, Robb, Rood, Sallee, Shaw, Stitt, Stumbaugh, Tallman, Towle, Tucker, Walker, Watson, White, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Barber, Blackman, Bronson, Hamilton of Marshall, Prunty, Scott, Stewart, and Taylor.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Beaty, Bevins, Bishop, Bissell, Briggs, Callen, Calvin, Clapp, Clogston, Congdon, Corbin, Donahue, Eckles, Farris, Gable (Thos. P.), Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Legate, Leonard, Loy, Martin of Kingman, McMillen, Parsons, Price,



Randolph, Rice, Richards, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 329, An act to authorize money belonging to the interest and sinking fund of certain school districts to be transferred by the county treasurers to the teachers' fund of such school districts, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 68; constitutional majority, 65. Yeas, 66; nays, 2; absent or not voting, 61.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Barber, Beaty, Berry, Bidle, Blackman, Boggs, Breyfogle, Bronson, Brown, Bruner, Butts, Calvin, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Helmick, Henderson, Hodge, James of Shawnee, Kelley, Loy, Majors, Manning, Martin of Miami, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Riggs, Robb, Sallee, Scott, Shaw, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Walker, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Raybell and Smith of Bourbon.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Ballard, Barrackman, Bevins, Bishop, Bissell, Blanchard, Bower, Briggs, Brinkman, Bull, Callen, Clapp, Clark, Clogston, Congdon, Cool, Corbin, Donahue, Eggers, Gable (Frank M.), Gable (Thos. P.), Gillespie, Hall, Hamilton of Marshall, Hartshorne, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kennedy, Kollock, Lawson, Legate, Leonard, Martin of Kingman, Martin of Labette, McKay, McMillen, Price, Randolph, Rice, Richards, Rood, Seaton, Selover, Smith of Marshall,

Spilman, Tucker, Wait of Lincoln, Waite of Pawnee, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title amended, as follows: "An act to authorize county treasurers to transfer certain moneys from one fund to another," was agreed to.

By consent, Mr. Legate was excused from attendance during the evening session, on account of illness.

House bill No. 336, An act to authorize the boards of county commissioners, in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 85; constitutional majority, 65. Yeas, 66; nays, 19; absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Barber, Barrackman, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Brown, Bruner, Calvin, Clark, Cool, Cunningham, Danhaur, Eastland, Eckles, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Hodge, Lawson, Loy, Manning, Martin of Labette, McClintick, McKay, Moore, Morgan, Parsons, Prunty, Raybell, Rice, Riggs, Robb, Scott, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee; Walker, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Beaty, Berry, Bevins, Blackman, Butts, Gable (Frank M.), Godfrey, Greever, Henderson, Hewins, Kelley, Majors, Martin of Miami, McCrumb, Miller, Rath, Sallee, and Tallman.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Armstrong, Baker, Ballard, Bower, Briggs, Bull, Callen, Clapp, Clogston, Congdon, Corbin, Donahue, Gable (Thos. P.), Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Kollock, Legate, Leonard, Martin of Kingman, McMillen, Myers, Price, Randolph, Richards, Rood, Sea-

ton, Selover, Smith of Marshall, Spilman, Wait of Lincoln, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 345, An act to apportion the State for Senators and Representatives, was read, and on motion of Mr. Eggers was made the special order for 10 o'clock A. M. to-morrow.

Mr. Eckles moved to reconsider the vote by which House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves, failed to pass.

Mr. Miller moved to lay the motion on the table, which motion prevailed.

Substitute for Senate bill No. 144, An act to legalize and confirm the acts of the Mayor and Councilmen of the city of Sterling, in Rice county, Kansas, in vacating certain streets and parks in said city, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65. Yeas, 80; nays, 0; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Calvin, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, James of Shawnee, Lawson, Leonard, Loy, Majors, Manning, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Rath, Raybell, Rice, Riggs, Rood, Sallee, Scott, Selover, Shaw, Stewart, Stitt, Stumbaugh, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Berry, Bower, Brown, Bull, Butts, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Eggers,

Ellison, Gable (Thos. P.), Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Kollock, Legate, Martin of Kingman, McMillen, Parsons, Price, Prunty, Randolph, Richards, Robb, Seaton, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Taylor, Wait of Lincoln, Willey, Wilson of Jackson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### FIRST AND SECOND READING OF BILLS.

By unanimous consent, the following Senate bills were read the first and second time, and placed on the calendar for third reading, subject to amendment and debate:

Senate bill No. 189, An act to authorize and empower the Board of County Commissioners of Montgomery county to audit and pay the claims of A. Woodall.

Senate bill No. 192, An act to legalize the incorporation of the city of McPherson, Kansas, and subsequent acts of the City Council.

Senate bill No. 182, An act concerning the service of notice of protest, and to repeal section 1, chapter 110, Laws of 1871.

Senate bill No. 60, An act to amend section 3 of article 4, chapter 122, relating to common-school laws of 1876.

Senate bill No. 112, An act to prohibit persons from hunting upon lands of others without leave, and to repeal chapter 167 of the Laws of 1872.

Senate bill No. 138, An act to enable the county commissioners of any county to dispose of lands and town lots held by the county for delinquent taxes for three years, and to repeal section 35 of chapter 34, Laws of 1876.

Senate bill No. 145, An act providing for the engrossing and enrolling of the bills, resolutions, &c., of the Legislature, and fixing the compensation thereof.

Substitute for Senate bill No. 144, An act to legalize and confirm the acts of the Mayor and Councilmen of the city of Sterling, in Rice county, Kansas, in vacating certain streets and parks in said city.



Senate bill No. 98, An act to amend section 55, chapter 37 of the General Statutes of the State of Kansas, entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons."

Senate bill No. 179, An act to authorize School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental fund to assist in the erection of a school house.

Senate bill No. 185, An act to ascertain and establish the permanent lines, corners and boundaries of all streets, alleys, avenues, lots, blocks, parks and public grounds of the original town site of the town of Wichita, and the several additions thereto, in the city of Wichita, Sedgwick county, Kansas.

Senate bill No. 120, An act relating to county jails.

Senate bill No. 171, An act defining the boundaries of Barton and Pratt counties, and repealing section 73, chapter 24, General Statutes of 1868.

Senate bill No. 141, An act to amend section 1 of chapter 67 of General Statutes of 1868.

Senate bill No. 176, An act to provide for the payment of the State of Kansas for the prosecuting of claims against the United States.

Senate bill No. 188, An act making appropriations for State printing for the deficiency to June 30, 1878, the deficiency of June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881.

Senate bill No. 183, An act to legalize the acts of Asahil Penfield, a Justice of the Peace of Wilmington township, in Wabaunsee county, Kansas.

Senate bill No. 187, An act making appropriations for paying for the services, transportation and subsistence of State militia, and other expenses incurred in suppressing the railroad strike in April, 1878.

Senate bill No. 80, An act to amend an act entitled "An act to amend the code of civil procedure, being chapter 80 of the General Statutes of 1868, and to amend section 27 of chapter 22 of the General Statutes of 1868," approved March 3, 1870.

Senate bill No. 81, An act to amend an act entitled "An act concerning district courts."

Senate bill No. 113, An act supplemental to the act to establish

a code of civil procedure, being chapter 80, General Statutes, and repeal chapter 121 of Session Laws of 1875.

Senate bill No. 114, An act to amend an act entitled "An act concerning district courts," approved February 25, 1868.

Senate bill No. 21, An act relative to votes of aid to railway and other corporations.

Senate bill No. 151, An act to suppress houses of prostitution.

Senate bill No. 130, An act to amend chapter 100 of Laws of 1872, relative to cities of the second class.

Senate bill No. 156, An act relating to deeds and conveyances made by executors and administrators in certain cases.

Senate bill No. 159, An act explanatory of chapter 83, Laws of 1873.

Senate bill No. 132, An act in relation to the conveyance of lands sold by a sheriff, coroner, or other officer.

Senate bill No. 178, An act to amend chapter 145 of the Statutes of 1877.

By consent, Mr. Clark, of Montgomery, was excused from attendance during the remainder of the session, on account of sickness in his family.

On motion of Mr. Hodge, at 10 o'clock the House adjourned.

WIRT W. WALTON, *Chief Clerk.*

## FORTY-FIRST DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 7, 1879. }  
9:30 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs,

Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Harts-horne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright, Quorum present.

Pending the reading of the journal, on motion, the further reading of the journal was dispensed with.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I desire to inform the House that the Senate has passed Senate bill No. 184, An act to define and establish the judicial districts of the State of Kansas, providing for the election of judges therein, and fixing the terms of court thereof.

HENRY BRANDLEY, *Secretary*.

Mr. Parsons called up his motion to reconsider the vote by which House bill No. 50, An act to provide for the confinement at hard labor for life in the penitentiary of any person three times convicted of a felony, failed to pass. The question being on the motion to reconsider, the motion did not prevail.

#### THIRD READING OF BILLS.

Substitute for House bill No. 240, An act amendatory of and supplemental to chapter 25 of the General Laws of 1868, was

read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barrackman, Berry, Biddle, Bishop, Bissell, Blanchard, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rice, Richards, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Barber, Beaty, Bevins, Blackman, Boggs, Bower, Briggs, Brown, Bull, Callen, Clapp, Clark, Congdon, Ewing, Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Henderson, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Legate, Leonard, Randolph, Rath, Raybell, Riggs, Scott, Smith of Marshall, Spilman, Wait of Lincoln, White, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Arm-



strong, Ballard, Barrackman, Berry, Biddle, Bishop, Bissell, Blanchard, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rice, Richards, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Barber, Beaty, Bevins, Blackman, Boggs, Bower, Briggs, Brown, Bull, Callen, Clapp, Clark, Congdon, Ewing, Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Henderson, Hossack, Huffaker, Humes, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Randolph, Rath, Raybell, Riggs, Scott, Smith of Marshall, Spilman, Wait of Lincoln, White, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Senate bill No. 91, An act to amend section 1 of chapter 99 of the Session Laws of 1877, being "An act to define the terms of holding courts in the Fourteenth Judicial District," was substituted for House bill No. 337, An act to establish the times of holding courts in the several counties in the Fourteenth Judicial District of Kansas.

The bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 87; nays, 0; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barrackman, Berry, Biddle, Bishop, Bissell,

Blanchard, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Eggers, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rice, Richards, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Barber, Beaty, Bevins, Blackman, Boggs, Bower, Briggs, Brown, Bull, Callen, Clapp, Clark, Congdon, Ewing, Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Henderson, Hossack, Huffaker, Humes, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Randolph, Rath, Raybell, Riggs, Scott, Smith of Marshall, Spilman, Wait of Lincoln, White, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 57, An act providing for the issuance of school-district bonds, and repealing article 13, chapter 122, Laws of 1876; section 5, chapter 124, Laws of 1874; chapter 124, Laws of 1876; and chapter 44, Laws of 1877, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris,

Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 310, An act amendatory of an act to provide for the time for holding court in the Fifth Judicial District, approved March 3, 1877, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte,

Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelly, Kennedy, Kollock, Lawson, Prunty, Rath, Randolph, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Dannahur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons,



Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 382, An act to authorize executors, and administrators with the will annexed, to convey real estate in pursuance of power contained in the will, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn,

Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Substitute for House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 377, An act to authorize the Board of County Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river in Clay county, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty,



Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 44, An act to provide for the better protection of people who assemble in public halls and places of amusement and who travel by rail in the State of Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.) Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 389, An act to amend section 13, article 2, of school laws, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 92; nays, 8; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhauf, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Parsons, Price, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bevins, Gilmore, Hamilton of Marshall, Hutchison, Morgan, Riggs, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 35, An act amendatory and supplementary to section 16, article 14, chapter 122 of the Laws of 1876, being

"An act for the regulation and support of common schools," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 96; nays, 4; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, James of Wyandotte, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 70, An act to authorize the Board of Commissioners of Clay county to appropriate funds to build a bridge, and to authorize the collection of a tax to pay the same, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 58, An act in relation to the State Historical Society, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry,



Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable, (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 391, An act authorizing private persons to lay off and establish cemeteries, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris,

Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 403, An act concerning district courts, and prescribing certain duties of the judges thereof, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of

Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 59, An act to authorize the Township Trustee of Delaware township, in Jefferson county, Kansas, to sell and transfer any capital stock in the A., T. & S. F. Railroad Company, which is now held, or may hereafter be acquired by said township, and to purchase with the proceeds thereof outstanding bonds of said township, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of

Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 63, An act to authorize the Board of Education of the city of Paola, Miami county, to purchase its outstanding bonds, and to issue new bonds in lieu thereof, and to provide for the payment of the same, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers,



Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 402, An act for the relief of James P. Cooper, County Treasurer of Mitchell county, State of Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait

of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Senate bill No. 179, An act to authorize School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental fund to assist in the erection of a school house, was substituted for House bill No. 412, An act to authorize the School Board of School District No. 94, Butler county, Kansas, to use the surplus of its teachers' and incidental funds to assist in the erection of a school house, and was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stum-

baugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 5, An act authorizing the appointment of stenographers for the district courts of the State of Kansas, and fixing their compensation, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 142, An act to enable the County Commissioners of Lyon county, in the State of Kansas, to appropriate certain moneys raised to pay interest on bonds voted by said county to the Kansas City, Emporia & Southern Railroad Company, for the year 1877, to the improvement of the court house and jail of said county, and to build fire-proof offices for county officers, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 180, An act to authorize the city of Ottawa and its corporate authorities to levy an annual tax for the maintenance and support of its public library, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of

Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 102, An act authorizing the destruction of counterfeit money in the hands of the Treasurer of the State of Kansas, and crediting upon the books of the Auditor and Treasurer of State a deficiency found in the transfer fund, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker,

Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 417, An act to legalize official acts of H. H. Reed, a Justice of the Peace in Center township, Smith county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the

passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 190, An act to authorize Neosho Falls township and Everett township, Woodson county, Kansas, to issue bonds and sell the same for the purpose of paying outstanding bonds, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 100; constitutional majority, 65. Yeas, 97; nays, 3; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Hamilton of Marshall, Sallee, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Spilman, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.



Senate bill No. 176, An act to provide for the payment of the State of Kansas for the prosecuting of claims against the United States, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 92; constitutional majority, 65. Yeas, 83; nays, 9; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barber, Barrackman, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Blanchard, Bower, Breyfogle, Brinkman, Bronson, Bull, Butts, Callen, Calvin, Clogston, Congdon, Cool, Cunningham, Danhaur, Donahue, Eastland, Eckles, Ellison, Faulkner, Gable (Frank M.), Games, Godfrey, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hewins, Hodge, Hutchison, James of Shawnee, Kennedy, Legate, Leonard, Loy, Manning, Martin of Kingman, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bruner, Corbin, Gilmore, Greever, Martin of Miami, Sallee, Stewart, Tallman, and Walker.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Beaty, Boggs, Briggs, Brown, Clapp, Clark, Eggers, Ewing, Farris, Fisler, Gable (Thos. P.), Gillespie, Hall, Harts-horne, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Majors, Parsons, Randolph, Richards, Spilman, Taylor, Tucker, Wilson of Jackson, Woodard, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 184, An act to define and establish the judicial districts of the State of Kansas, providing for the election of judges therein, and fixing the terms of court thereof, was reported; whereupon Mr. Waite, of Pawnee, moved that it be

passed over, and that it be allowed to retain its place on the calendar.

Mr. James, of Wyandotte, moved that the further consideration of the bill be indefinitely postponed.

Mr. Biddle moved that it be made the special order for 7:30 o'clock P. M. to-day, which motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 181, An act to provide for the punishment of bribery, and amendatory to chapter 31 of the General Statutes of 1868, being an act entitled "An act regulating criminal punishment," and Senate bill No. 167, An act making appropriation for the benefit of the State Agricultural College.

HENRY BRANDLEY, *Secretary*.

By consent, Mr. Eckles was granted leave of absence during the remainder of the session.

Mr. Randolph, chairman of the Committee on Investigation, through Mr. Callen, submitted the following privileged resolution:

*Whereas*, The Committee on Investigation ceased taking testimony, March 6, at 3 P. M., and will make its report to this House on or before 2 P. M. of this day: therefore,

*Resolved*, That Mr. E. L. Smith, Manager of the Western Union Telegraph Company, be discharged from the custody of the Sergeant-at-Arms of this House.

The question being on the adoption of the resolution, the resolution was adopted.

By consent, Mr. Hewins offered the following resolution:

*Resolved*, That the Kansas City annexation delegation, who are to visit Topeka to-day to confer with the members of this body, be, and are hereby, tendered the privileges of the floor of this House.

The resolution was adopted.

#### MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of

Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE OFFICE,

TOPEKA, KANSAS, March 5, 1879.

ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 168, An act relating to deeds and conveyances, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bills Nos. 161, 37 and 315, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas; of George S. Green, a Notary Public in and for Riley county, Kansas; and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas,

have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policyholders, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868, have examined and carefully compared the enrolled copy with the original bill and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at



large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justice court against garnishees," chapter 163, Laws of 1872, providing the manner of service in certain cases, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 210, An act providing for changing the fronting of lots in incorporated cities, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the

President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 276, An act to provide for the taxation of State Normal School lands when sold, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and read:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

House bill No. 15, An act regulating the salaries of County

Clerks and County Treasurers of Osborne, Phillips and Rooks counties.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, and certain other persons therein named. JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 7, 1879.

On motion of Mr. Legate, at 12:25 o'clock P. M., the House adjourned.

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 7, 1879. }  
1:30 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clapp, Clogston, Congdon, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Greever, Greifenstein, Hamilton of Norton, Hankins, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Riggs, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, and Speaker Clarke.

Absentees: Messrs. Anderson of Cherokee, Bishop, Briggs, Callen, Clark, Eggers, Ewing, Gable (Thos. P.), Gillespie, Hall,

Hamilton of Marshall, Hartshorne, Helmick, Hossack, Huffaker, Humes, Keller, Kelley, Kennedy, Kollock, Lawson, Prunty, Randolph, Rath, Raybell, Rice, Richards, Sallee, Spilman, Willey, Wilson of Jackson, Woodard, and Wright.

Quorum present.

By consent, Mr. Sallee offered the following resolution, which, on motion, was adopted:

*Resolved*, That when the gentlemen composing the annexation committee, from Kansas City, Missouri, shall arrive, we extend to them the privilege of the floor of this House; and also, that we invite the Senate to appear in this House for the purpose of consultation with said committee, and that during the consultation all other business of this House shall be suspended.

Mr. James, of Wyandotte, offered House concurrent resolution No. 44, extending greetings of the Legislature to the Kansas City delegation, which on motion was adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Substitute for House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum at Leavenworth.

House bill No. 181, An act making appropriations for the Home for Friendless Women.

Has amended substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30th, 1880 and 1881, by adding to the end of section 1 the following words: "For finishing building, one thousand dollars," and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

#### THIRD READING OF BILLS.

Senate bill No. 84, An act to amend sections 13 and 19 of an act entitled "An act fixing the fees of certain officers and persons therein named," chapter 39, General Statutes of 1868, was read the third time, and on motion of Mr. Riggs was indefinitely postponed.

Senate bill No. 77, An act to enable the Board of County Commissioners of Coffey county, Kansas, to purchase the Leroy



bridge, was read the third time, and on motion was indefinitely postponed.

Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872, was reported by the Clerk, and by unanimous consent passed over until 4 o'clock P. M. without action.

Senate bill No. 26, An act authorizing and directing County Commissioners of Miami county to provide a fund and issue warrants thereon for the building of bridges, and to provide for a commissioner to build the same, was reported, whereupon Mr. Games, of Miami, offered the following amendment, which was agreed to:

*"Provided, That said commissioners shall not levy and cause to be collected the tax herein provided for, until the question of levying said tax shall have first been submitted to a vote of the qualified electors of said county, at a general election held therein, or at a special election called for that purpose: Provided, however, That no special election for the purpose of levying said tax shall be called except upon petition of one hundred legal voters in said county, and upon twenty days' notice being given therefor."*

Also, strike out of section 3, the words, "judge of the district court," and insert, "county commissioners." Agreed to.

The question being on the final passage of the bill, Mr. Rice, of Miami, moved that its further consideration be indefinitely postponed, which motion prevailed.

By consent, Mr. Anderson, of Cherokee, offered the following resolution:

*Resolved, That the order heretofore made by this House excluding certain persons from the privileges of the floor, be and the same is hereby rescinded.*

The motion prevailed.

Senate bill No. 163, An act to authorize the township of Blue Rapids city, in Marshall county, Kansas, to issue bonds to protect roads and bridges in said township, was reported by the Clerk.

Mr. Hamilton, of Marshall, moved the indefinite postponement of the bill. The motion did not prevail.

The bill was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 85; constitutional majority, 65. Yeas, 76; nays, 9; absent or not voting, 44.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Berry, Bevins, Bishop, Bissell, Blackman, Boggs, Breyfogle, Briggs, Brown, Bruner, Butts, Calvin, Clogston, Cool, Danhaur, Donahue, Eggers, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Helmick, Hewins, Hodge, Hossack, James of Shawnee, Kelley, Kennedy, Legate, Loy, Manning, Martin of Labette, Martin of Miami, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Raybell, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Tallman, Towle, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bower, Bull, Cunningham, Farris, Hamilton of Marshall, McClintick, Prunty, Rath, and Wait of Lincoln.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Ballard, Biddle, Blanchard, Brinkman, Bronson, Callen, Clapp, Clark, Congdon, Corbin, Eastland, Eckles, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hartshorne, Hankins, Henderson, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Leonard, Majors, Martin of Kingman, McMillen, Parsons, Randolph, Rice, Scott, Spilman, Stumbaugh, Taylor, Tucker, Wait of Linn, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 153, An act to authorize school boards to transfer surplus sinking and interest funds to other funds, was reported; whereupon Mr. Price offered the following as a substitute for the bill:

SECTION 1. That section 122 of chapter 23 of an act entitled "An act concerning private corporations," be amended so as to

read as follows: "Sec. 122. Any religious society, military or fire company, charitable or benevolent association, other than colleges, universities, academies or seminaries, or any grand or subordinate lodge of Free and Accepted Masons, or the Independent Order of Odd Fellows, Knights of Honor, Ancient Order of United Workmen, Independent Mutual Aid, Good Templars', or any other secret benevolent association or organization, may, by consent of a majority of its members, become bodies corporate under this act, by filing the charter required by this act, electing directors or trustees, and performing the things as are directed in the case of other corporations; and when so organized, shall have all the powers and privileges, and be subject to all the restrictions in this act contained for the objects named in the charter, and shall have the same power to make by-laws for the regulation of their affairs as other corporations; and shall have the power to adopt a by-law, to reduce the number of its directors or trustees to not less than three, and to prescribe their term of office, and to do and perform all other acts, in accordance with the objects of the said lodges, respectively. Such directors or trustees shall not usurp or exercise the functions of the officers in charge of the spiritual affairs of any society.

"SEC. 2. That section 122 of the act entitled 'An act concerning private corporations,' is hereby repealed.

"SEC. 3. This act to take effect from and after its publication in the *Weekly Commonwealth*."

Agreed to.

The bill, as amended, was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 86; nays, 0; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Berry, Bevins, Biddle, Bissell, Blackman, Boggs, Bower, Breyfogle, Briggs, Brinkman, Brown, Bruner, Bull, Clapp, Clogston, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Henderson, Hewins, Hodge, James of Shawnee, Kelley, Kennedy, Leonard, Loy, Majors, Martin of

Kingman, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Richards, Rood, Sallee, Scott, Seaton, Selover, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Beaty, Bishop, Blanchard, Bronson, Butts, Callen, Calvin, Clark, Congdon, Eckles, Ewing, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kollock, Lawson, Legate, Manning, Martin of Miami, Parsons, Randolph, Rice, Riggs, Robb, Shaw, Spilman, Tucker, Wait of Lincoln, Willey, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being amended as follows: "An act to amend section 122 of chapter 123 of the General Statutes of 1868, entitled 'An act concerning private corporations,' " and again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 172, An act to amend section 49 of an act entitled "An act respecting executors and administrators, and the settlement of the estates of deceased persons," approved February 28, 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 86; constitutional majority, 65. Yeas, 86; nays, 0; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Baker, Ballard, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bronson, Brown, Bull, Butts, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eastland, Eggers, Ellison, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Hamilton of Norton, Hutchison, James of Shawnee, Kelley, Kennedy, Legate, Leonard, Loy, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick,



McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Armstrong, Barber, Bishop, Bower, Breyfogle, Briggs, Brinkman, Bruner, Callen, Clapp, Clark, Clogston, Congdon, Eckles, Gillespie, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmićk, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kollock, Lawson, Price, Randolph, Riggs, Robb, Spilman, Wait of Lincoln, Wilson of Jackson, Wilson of Nemaha, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 92, An act to amend chapter 74 of Statutes of 1873, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 76; constitutional majority, 65. Yeas, 72; nays, 4; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackmán, Blanchard, Boggs, Bower, Briggs, Bronson, Brown, Bruner, Butts, Calvin, Clapp, Cool, Cunningham, Danhaur, Donahue, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Hamilton of Norton, Hutchison, James of Shawnee, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Eastland, Kennedy, Manning, and Selover.

Gentlemen absent or not voting were: Messrs. Anderson of

Ellsworth, Armstrong, Bevins, Breyfogle, Brinkman, Bull, Callen, Clark, Clogston, Congdon, Corbin, Eckles, Eggers, Ellison, Ewing, Farris, Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Keller, Kelley, Kollock, Lawson, Legate, Leonard, Martin of Kingman, McCrumb, Price, Randolph, Richards, Riggs, Robb, Spilman, Tallman, Towle, Tucker, Wait of Lincoln, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 49, An act to amend an act entitled "An act defining the boundaries of counties," was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 66; constitutional majority, 65. Yeas, 22; nays, 44; absent or not voting, 63.

Gentlemen voting in the affirmative were: Messrs. Albin, Armstrong, Breyfogle, Brinkman, Eastland, Gilmore, Hall, Hodge, Leonard, Martin of Kingman, McMillen, Miller, Morgan, Price, Rath, Raybell, Richards, Sallee, Seaton, Selover, Stewart, and Woodard.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Shawnee, Baker, Barrackman, Beaty, Berry, Biddle, Blanchard, Bower, Bronson, Brown, Bruner, Bull, Calvin, Clogston, Cool, Corbin, Cunningham, Danhaur, Ellison, Farris, Games, Gillespie, Hamilton of Marshall, Hamilton of Norton, Hankins, Henderson, Hewins, James of Shawnee, Martin of Labette, Martin of Miami, McCrumb, Myers, Robb, Rood, Scott, Shaw, Smith of Marshall, Stitt, Towle, Wait of Linn, Waité of Pawnee, Walker, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barber, Bevins, Bishop, Bissell, Blackman, Boggs, Briggs, Butts, Callen, Clapp, Clark, Congdon, Donahue, Eckles, Eggers, Ewing, Faulkner, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hartshorne, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Kol-

lock, Lawson, Legate, Loy, Majors, Manning, McClintick, McKay, Moore, Parsons, Prunty, Randolph, Rice, Riggs, Smith of Bourbon, Spilman, Stumbaugh, Tallman, Taylor, Tucker, Wait of Lincoln, Watson, White, Willey, Wilson of Jackson, Wright, and Speaker Clarke.

Less than a constitutional majority having voted in the affirmative, the bill did not pass.

#### ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house and furnishing the same, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 416, An act authorizing the Board of County Commissioners of Davis county to issue bonds for building bridges in said county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 406, An act for the relief of Neosho

county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

House bill No. 213, An act to facilitate the construction of railroads in the State of Kansas, and to reimburse any city, township or county hereafter subscribing to stock of any railroad company, was reported by the Clerk.

Mr. Sallee moved an amendment providing a repealing section. Agreed to.

Mr. Hamilton, of Marshall, moved that the further consideration of the bill be indefinitely postponed.

The motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has amended House concurrent resolution No. 44, relating to joint meeting of the Legislature to receive our visitors from Kansas City, Missouri, and concurred in the same as amended. Your concurrence in the amendment is respectfully desired.

HENRY BRANDLEY, *Secretary*.

Mr. James, of Wyandotte, moved that the House concur. The motion prevailed.

The resolution, as adopted, reads as follows:

*Be it resolved by the House, and the Senate concurring therein,*  
That we extend a cordial greeting to our friends from Kansas



City, Missouri; that the regular business of both House and Senate be suspended during their visit, and that the President of the Senate and the Speaker of the House of Representatives be directed to meet the distinguished visitors from Kansas City, Missouri, in the office of the Secretary of State, and extend to them our appreciation of the fraternal feeling which has prompted their visit, and to extend to them the freedom of both houses.

#### ANNEXATION.

The Sergeant-at-Arms announced the Honorable the Mayor and the City Council, accompanied by two hundred other leading citizens, of Kansas City, Mo.

Hon. Sidney Clarke, Speaker of the House, received them with the following

#### WELCOMING ADDRESS:

*Neighbors, Friends, and ALMOST Fellow-Citizens:* In behalf of the House of Representatives, and by its direction, I have the sincere pleasure to extend to you a most cordial welcome to the capital of Kansas. I welcome you not as strangers, but as friends and neighbors, united to us by all the ties of interest common to the rapidly-increasing population of this central portion of the great New West. It has long since become a settled question that one of the great cities of the American continent is to be near the confluence of the Kansas and Missouri rivers. This point is the gateway of Kansas, from which the vast immigration now flowing into the State enters upon its new career of prosperity. The commonwealth of Kansas, in its traditional policy, and by all its acts, welcomes to its fertile soil the people of all the States and of all the Nations. And especially will we welcome the day, which we hope is not far in the future, when Kansas City shall be one of the metropolitan cities of Kansas, and when it will be our privilege to address you as fellow-citizens of the same State, and are with us in promoting its pride and glory. Our commercial interests, our hopes, and all our aspirations for the future, are indissolubly connected. Under all circumstances we shall grow and prosper together. But if we were wedded together in one territory, I am confident we should enter at once upon a new career, and that the happiness and prosperity of all would be greatly enhanced. Again, fellow-citizens of

Kansas City, I welcome you to this Capitol and to the House of Representatives. May all our relations in the future be those of unity, prosperity, and peace.—

Col. Twitchell, of Kansas City, responded in behalf of the delegation in a fitting manner, and then read the following expression of the sentiment of his people:

*To the Hon. T. B. Murdock, Chairman of Annexation Committee, Topeka, Kas.:*

SIR: The undersigned, a committee appointed by the Common Council of the City of Kansas, to whom has been referred your communication of February 12, in relation to the proposed annexation of Kansas City to the State of Kansas, would respectfully state to your honorable body: That, on behalf of and representing the various business and commercial interests of Kansas City, we acknowledge with pleasure the cordial and friendly initiative steps taken by your honorable body in bringing about this meeting of conference.

Such action on your part has been received with a universal feeling of gratification by our people, the good effects of which will not soon be forgotten.

On behalf of the people of Kansas City, we come to meet and confer with your honorable committee on this question, which, in our opinion, is one of vital import to the people of both communities. We are accompanied on our mission by a large number of our foremost representative men in various lines of business and professions, who have voluntarily accompanied us to give more emphatic expression to the great interest our people feel on this subject.

We have come in good faith and with an earnest desire that our conference may have the result of showing the feasibility as well as the desirability of annexing Kansas City to your growing and prosperous commonwealth, thereby uniting in harmonious accord interests now mutual but separated by geographical lines. We assure your honorable body that our people are earnest and sincere in their desire for annexation, and should the question be submitted to the electors of the territory proposed to be annexed, it would be ratified by a virtually unanimous vote. Already a memorial to the Missouri Legislature praying for such a submission of the question has been circulated and largely signed by our people, and will be duly presented by our representatives for the action of that honorable body.

Your committee can rest assured that could the feasibility of annexation be demonstrated, no effort would be left untried on the part of our people to accomplish so desirable a result. We feel that the interests of Kansas City and those of your State are mutual, and we fully appreciate the material benefits that would accrue to us by becoming a municipal subdivision of your commonwealth. We have observed with pleasure its rapid and remarkable development, and forecasting its bright and promising future, and the high rank it is destined to assume among the sovereignties of the

Union, Kansas City's pride and aspiration is to become its metropolis in fact as well as in name. Very respectfully,

GEO. M. SHELLEY, *Mayor.*

W. H. WINANTS,

R. H. DRENNON,

L. A. ALLEN,

*Council Committee.*

C. H. PRESCOTT,

T. F. OAKES,

L. V. MORSE,

F. M. BLACK,

T. B. BULLENE,

*Citizens' Committee.*

The House then resumed business, and

House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay the interest and principal upon certain township bonds, and to fix the maximum thereof, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 87; constitutional majority, 65. Yeas, 66; nays, 21; absent or not voting, 42.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Brown, Butts, Callen, Cunningham, Eggers, Farris, Faulkner, Fisler, Gillespie, Hamilton of Norton, Hartshorne, Hossack, Hutchison, James of Shawnee, Kelley, Lawson, Legate, Majors, Manning, Martin of Labette, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Richards, Robb, Rood, Scott, Seaton, Selover, Shaw, Smith of Marshall, Stumbaugh, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Jackson, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Bishop, Bower, Bronson, Bull, Clogston, Cool, Corbin, Games, Gilmore, Hamilton of Marshall, Hankins, Helmick, Hodge, Kennedy, Leonard, Smith of Bourbon, Stewart, Stitt, Tallman, and Taylor.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Armstrong, Barber, Bruner, Calvin, Clapp, Clark, Congdon, Danhaur, Donahue, Eastland, Eckles, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Greif-

fenstein, Hall, Henderson, Hewins, Huffaker, Humes, James of Wyandotte, Keller, Kollock, Loy, Martin of Kingman, Martin of Miami, Parsons, Randolph, Raybell, Rice, Riggs, Sallee, Spilman, Tucker, Willey, Wilson of Nemaha, Wright, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### SENATORIAL INVESTIGATION.

Mr. Randolph, chairman of the Investigating Committee, submitted the following reports and testimony:

##### STATEMENT.

*Mr. Speaker of the House of Representatives:* February 6th, 1879, the House adopted the following resolution:

*Whereas,* It is charged that during the progress of the late Senatorial election, acts of bribery and corruption were resorted to, to influence the votes of members of this House for U. S. Senator; and

*Whereas,* It is also charged that offers were made to pay large sums of money for votes for Senator, and that in some cases these corrupt offers were made by members of this House; and

*Whereas,* The honor of the State, the integrity of this House, and the character of the Senate of the United States, demand that a full and impartial investigation should be had of the facts and circumstances connected with the aforesaid charges: therefore,

*Resolved,* That a committee of five members be appointed, whose duty it shall be to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office made against the recently-elected Senator, to the end that the innocent may be vindicated, and all acts of bribery punished; and said committee shall have power to employ a clerk, to administer oaths, and to send for persons and papers.

February 7th, 1879, the Speaker announced the following members to constitute the committee provided for by the foregoing resolution, namely: Messrs. Randolph of Coffey, Callen of Davis, Hall of Neosho, Hartshorne of Neosho, and Keller of Jackson.

February 12th, 1879, the House adopted the following resolution:

*Resolved,* That the Committee on Investigation be and it is hereby authorized and instructed as follows: That whenever in the progress of its



investigation any testimony shall have been offered and taken by said Committee, affecting the honor and integrity of any member of this House, or any of the late Senatorial candidates, such members [or Senatorial candidates] shall be notified, and shall be permitted to appear in person and defend against the same, to the end that the facts may be known, and justice be done in the premises.

The committee met on the 8th, 10th, 11th and 12th of February, 1879, and partially examined certain witnesses. One member of the committee being absent, it was ordered that such witnesses should be recalled and reexamined, and their testimony be reduced to writing, which has been done.

February 13th, 1879, the committee met, organized, and issued subpoenas for witnesses.

Under the authority of the resolution, the committee employed as its clerk Frank S. Presbrey, who served until his resignation, February 18th, 1879, was accepted. Thereupon the committee employed as its clerk E. R. McBride, who has served up to date.

The following witnesses have been examined, and their testimony reduced to writing: G. L. White, J. S. Danford, W. S. Wait, H. T. Anderson, C. J. Brown, T. J. Raybell, J. B. Clogston, H. C. Fisler, Frank Playter, E. W. Majors, F. M. Shaw, E. H. Brown, J. A. Hossack, John Francis, J. S. Merritt, P. I. B. Ping, J. R. Hallowell, J. C. Wilson, C. H. Miller, T. P. Gable, J. G. Pangborn, Geo. A. Eddy, Geo. T. Bevins, W. R. Henderson, John M. Hutchison, John Puterbaugh, Wm. M. Congden, N. H. Coates, S. F. Tolle, Geo. W. McClintick, R. B. Shadduck, Charles Collins, John D. Knox, C. E. Faulkner, S. E. Sheldon, A. A. Thomas, S. N. Wood, Joseph Donahue, Geo. F. Sharitt, T. B. Ellison, R. B. Armstrong, John Bissell, L. M. Briggs and S. M. Strickler. Other witnesses have been summoned, but have not been examined, for want of time.

The committee ceased to take testimony on the 6th day of March, 1879.

H. D. Baker, of Salina, named in the testimony of H. T. Anderson, was duly subpoenaed to come before the committee. He has failed to appear and testify.

The committee has been unable, for want of time, to make a full and thorough inquiry into certain alleged acts of bribery and corruption during the late Senatorial election, or to fully investigate charges of corruption in office made against the recently-elected U. S. Senator.

Messrs. Presbrey and McBride, as clerks of the committee, have done their work faithfully and well.

Mr. Wm. Higgins, Sergeant-at-Arms of the House, has the thanks of the committee for the diligent discharge of the duties imposed upon him by the committee.

#### REPORT OF MR. RANDOLPH.

*Mr. Speaker of the House of Representatives:* From the testimony taken by your committee, I find:

1. That the charge that during the progress of the Senatorial election, acts of bribery and corruption were resorted to with intent to influence the votes of members of this House for United States Senator is sustained; as fully appears from the testimony of G. L. White, J. B. Clogston, T. J. Raybell, Geo. W. McClin-tick, W. S. Wait, H. T. Anderson, J. A. Hossack, Frank Play-ter, E. H. Brown, E. W. Majors, H. C. Fisler, and other witnesses.

2. In view of the partial and incomplete condition of such testimony before the committee as appears to affect the honor and integrity of Hon. John J. Ingalls, and in view of the fact that he has had no opportunity to be heard before the committee, either in person or by his attorney, to defend against such testi-mony, I find: That no acts of bribery and corruption connected with the late Senatorial election, nor any charges of corruption in office, are proven against him.

3. Concerning each and all the other late Senatorial candi-dates, I find nothing in the testimony taken which touches the honor or integrity of any one of them.

The testimony taken by your committee is herewith submitted, and the action of the House is respectfully asked thereon.

The reports of the other members of your committee are re-spectfully submitted herewith, for your action thereon.

A. M. F. RANDOLPH, *Chairman.*

#### REPORT OF MR. HALL.

The undersigned, a member of your committee appointed to investigate charges of bribery and corruption in the late Sena-torial election, and to investigate charges of corruption in office made against the recently-elected Senator, dissents from the re-port of the majority of your committee, and submits the follow-ing report:

The evidence submitted fully convinces me that Mr. James S.

Merritt was a general manager in the interest of Senator Ingalls at Topeka, during the pending of the late Senatorial election, and had general charge of his rooms and the direction of his affairs.

That he was aided and assisted in his plans to reëlect Senator Ingalls, among others by Mr. J. S. Danford and Mr. Calvin Hood.

That Senator Ingalls and these parties employed corrupt and illegal means to secure the election of the said J. J. Ingalls to the United States Senate, and but for said improper influences his election would not have been obtained.

The time allotted for investigation has been so brief, so many obstacles have intervened to prevent a full and complete examination into all the matters pending before your committee, that the report must necessarily be incomplete. Thus far the committee has been unsuccessful in its attempts to obtain the telegrams sent and received through the telegraph office at Topeka, and all of which were deemed important to a complete determination of the matter submitted to your committee. Much of the evidence concerning matters before your committee is in an incomplete condition for want of time to subpoena and examine other witnesses, and much of that which is presented is extremely unsatisfactory, and much of it unexplainable with innocence.

As an instance, it was proven by the testimony of Frank Playter, of Girard, Kansas, that a few days prior to the Senatorial election, James A. Hossack, a member of this House, stated to witness that he could have \$1,000 for his vote for Ingalls for Senator, and that Ingalls told him to see Merritt and Wilson about it; and E. H. Brown, of Girard, also testified that said Hossack told him, prior to the Senatorial election, that he could get money for his vote, from Ingalls or his friends. Both these witnesses testified that said Hossack signed the following paper on the date therein named, and gave it to Mr. Playter, as a true statement of his arrangements with Ingalls and his friends for said Hossack's vote:

[Copy of Statement.]

TOPEKA, KAS., January 30, 1879.

I hereby certify that, as a member of the Legislature of the State of Kansas, I was approached personally by John J. Ingalls, for my vote, and was offered money provided I would vote for him. The sum agreed upon was one thousand dollars (\$1,000)—five hundred to be paid down, and

five hundred the first of March. I was referred by Mr. Ingalls to J. Merritt and J. Wilson, who paid me the five hundred dollars, and Mr. Ingalls agreed to pay the remaining five hundred the first of March.

J. A. HOSSACK.

(Witness to this signature,) E. H. BROWN.

Hossack admits the signature, but denies that he signed it on the day of its date, and claims that it must have been signed by him on the Monday night preceding the Senatorial election; that on that night he attended different saloons in company with Playter and Brown, and became intoxicated to such an extent that he has no recollection of what was done. He admits having received, on the Monday night preceding the Senatorial election, from J. S. Merritt, in one of Mr. Ingalls's rooms, the sum of \$200, but claims that it was a loan; that although he offered to give his note, no note or security was taken; and that the money was not to be repaid for three or four months. He also admits that he paid debts about this time amounting to over \$250. To say nothing of the improbability of his story, Mr. Hossack contradicts himself in his claim that he was with Brown and Playter during all of the evening of said Monday, and until he became so intoxicated that he has no recollection of what occurred, and afterwards fixes this time as the night on which he obtained this money from Mr. Merritt. When on the stand, witness was requested to and did sign his name in presence of the committee, which signature I compared with that attached to the statement referred to. The signature to the original statement is well written; equally as well as that written in the presence of the committee. I do not believe that any man who was so drunk that he did not know what he was doing, or could not recollect the transaction, could possibly have written the signature to that statement. The witness is contradicted by Mr. Playter and Mr. Brown on this point. Mr. Playter testifies that he did not drink with him on the Monday night mentioned, and was not in his company that night. Mr. Playter is corroborated in his statement by Mr. Majors, who, among other things, testifies that he, Majors, was in company with Playter that Monday evening, also at the theater that night; that Hossack was not of the company; that he, Majors, accompanied Playter from the theater to the Tefft House, and on leaving him there went immediately to his room, some two blocks distant, and found Hossack, who was at that time his room-mate, in bed, apparently asleep.



It is admitted by all, (James S. Merritt included,) that Hosack received at least \$200, in Ingalls's room, of James S. Merritt, shortly before the Senatorial election, at a time when Merritt was one of the men who had Senator Ingalls's interest in charge; the only explanation is, that it was a loan.

The story that the Senatorial election had nothing to do with this affair; that as a purely business transaction, James S. Merritt intended to loan to a drunken, irresponsible man, whom he knew to be financially embarrassed, residing in a remote part of the State, and a comparative stranger, the sum of two hundred dollars, without either note or security, is too much for my credulity.

Mr. J. B. Clogston, a member of this House, has testified before your committee in substance, that Senator Ingalls offered him the control of the appointments in his county if he would vote for Ingalls for U. S. Senator; also that Senator Ingalls referred him to Mr. Hood, saying in substance that whatever Hood would do would be all right; that afterward a man purporting to be sent by Hood offered witness \$500 to vote for Ingalls for U. S. Senator.

This evidence is uncontradicted.

Mr. McClintick, a member of this House, testified before your committee in substance, that Mr. Merritt offered him \$300 to vote for Senator Ingalls.

There is evidence tending to show that Mr. Hutchison was offered the sum of \$500 to vote for Senator Ingalls, and was then offered \$1,000, and finally \$1,500, if he would vote for Senator Ingalls for U. S. Senator. This was on the day of the late Senatorial election.

That Mr. Raybell, a member of this House, was paid the sum of \$250 to vote for Mr. Ingalls. That Mr. H. C. Fisler, a member of this House, was, pending the late Senatorial election, offered \$250, in one of Merritt's rooms, for his vote for Senator Ingalls for U. S. Senator; and that Mr. George L. White was, in the morning of the late Senatorial election, offered \$500, and pressed to name his price, to vote for Senator Ingalls for U. S. Senator. This offer is proven by the testimony of Mr. White to have been made by Mr. Danford, one of the friends and supporters of Senator Ingalls.

The testimony of Mr. Charles H. Miller, a member of this

House, discloses facts concerning the manner in which a United States grand jury was drawn, and the part that Senator Ingalls played in the transaction, that demands the consideration of the Senate of the United States.

Therefore, I am of the opinion that a further investigation should be had in a proper tribunal concerning all of said transactions, together with all the various charges that have been made to the committee concerning the subjects intrusted to them for investigation, and which, for want of time, have been wholly neglected or only partially considered. And I am of the opinion that J. A. Hossack is unworthy to sit as a member of this House.

JOHN HALL.

TOPEKA, KAS., March 7, 1879.

REPORT OF MESSRS. CALLEN, KELLER AND HARTSHORNE.

*To the Hon. Sidney Clarke, Speaker, and the Members of the House of Representatives of the State of Kansas:* We, the undersigned members of your committee, appointed on the 7th day of February, 1879, under the following resolution —

*Whereas,* It is charged that, during the progress of the late Senatorial election, acts of bribery and corruption were resorted to, to influence the votes of members of this House for U. S. Senator; and

*Whereas,* It is also charged that offers were made to pay large sums of money for votes for Senator, and that in some cases these corrupt offers were made by members of this House; and

*Whereas,* The honor of the State, the integrity of this House, and the character of the Senate of the United States, demand that a full and impartial investigation should be had of the facts and circumstances connected with the aforesaid charges: therefore,

*Resolved,* That a committee of five members be appointed, whose duty it shall be to investigate all charges of bribery and corruption connected with the late Senatorial election, and all charges of corruption in office made against the recently-elected Senator, to the end that the innocent may be vindicated and all acts of bribery punished; and said committee shall have power to employ a clerk, to administer oaths, and to send for persons and papers —

Adopted February 6th, respectfully report as follows:

The committee met on the 7th day of February, and commenced taking testimony on the 8th day of February, and has been in session almost daily, and frequently nightly, from that time to the present, and has examined about forty-five witnesses; and in the examination of these witnesses an almost unlimited

latitude has been given for the purpose of eliciting the facts regardless of legal forms and technicalities.

And we find, from the testimony taken, that Hon. John J. Ingalls, the recently-elected United States Senator, used no corrupt means to secure his election to the United States Senate, and that none of the late Senatorial candidates was guilty of bribery or corruption in the late Senatorial election.

And we further find that John J. Ingalls, the recently-elected United States Senator, has not been guilty of any corruption in office; the only testimony bearing upon this point being the testimony of Charles H. Miller, late United States Marshal, the substance of which is, that he received a list of grand jurors in the handwriting of Hon. John J. Ingalls, and that he (Senator Ingalls) wanted him (Miller) as United States Marshal to pack the United States grand jury with the men whose names appeared on said list, for the purpose of preventing the indictment of certain citizens of this State—all of which the testimony of S. M. Strickler directly contradicts, and we find from the evidence taken that Hon. John J. Ingalls did not write said list, and that he had no knowledge of the same.

And we further find no evidence against any member or members of this House which would warrant or justify their expulsion from this House.

And while it is true that the committee has taken a large amount of irrelevant and incompetent testimony, yet, believing that the subject has assumed so much prominence in the minds of the people of this State that they would be better satisfied to see and read for themselves all the testimony taken, and believing that it would be but an act of justice toward all of the late Senatorial candidates and the members of this House, and that the good name of the State demands that all the testimony be published, therefore, we respectfully recommend that a correct copy of all the testimony taken be placed in the hands of the State Printer for publication, together with a copy of the reports of the committee, for publication, and that the original testimony, subscribed to by the witnesses, be deposited with the Secretary of State, for preservation in his office; and to this end a resolution is submitted herewith.

All of which is respectfully submitted, and a discharge of the committee asked for.

A. W. CALLEN.

J. H. KELLER.

R. D. HARTSHORNE.

## REMARKS BY MR. HARTSHORNE.

The following paper, presented by Mr. Hartshorne, a member of your committee, is hereby appended, by the unanimous consent of your committee, as a part of his report, as follows:

Your committee would further report and say, that, in the opinion of your committee, much of the public scandal connected with and growing out of elections of United States Senators is largely due to causes which have been manifesting themselves in all elections of United States Senators by the respective Legislatures of the several States of the Union.

The late election of a United States Senator by the honorable body designated as the Legislature of the State of Kansas, will not appear on the pages of the future historian as being exempt from the accompaniment of like scandal-producing causes.

Among the most prominent causes which have embarrassed, and still do embarrass all legislative bodies in the United States, in the execution of this very delicate and responsible trust, are:

1st. The large number of inexperienced men who are returned by non-discriminating constituencies as members of the respective Legislatures of the several States. Men without necessary educational and business qualifications are thrust blindly into the halls of legislation, alike ignorant of their duties, the laws of the State for which they are about to legislate, their legal and moral responsibility, or the snares, temptations and allurements prepared by the older and openly corrupt to entice them from the paths of official rectitude and duty. Ignorant alike of the arts and devices of deceitful and scheming men, and of their own moral weakness, they fall an easy if not willing prey to the former.

In their eager curiosity to trace and discover hidden and forbidden paths they become *themselves* the unwitting instruments of crime, unable to see or understand where an innocent and childlike curiosity ends and a wicked and depraved criminality begins.

No calling in life requires a larger experience, a greater intelligence, a more widely expanded and liberal mind, and stronger moral faculties, fortified by the precepts of religion, than the calling of the legislator.

2d. A second prominent cause of much of the public scandal connected with Senatorial elections, is justly charged and charge-



able to the long-established custom (which candidates for the honorable position of United States Senator appear willingly or unwillingly to have acquiesced in) of procuring and engaging, at some popular hotel near the capitol, sumptuous departments for the use of the candidate in the entertainment of his friends and followers, known as "headquarters."

This custom, however honestly followed, necessarily leads to great personal expense and loss on the part of the candidate, which few men in a new commonwealth are able to bear, as well as to many other serious abuses. This leads us to consider and report upon another and third cause, resulting as a necessary sequence to the former.

3d. The implied preparation for the "entertainment" of friends (?) at the "headquarters" of the Senatorial candidate, at the "Tefft," if you please, draws heavily from all parts of the State, and sometimes from States and cities adjacent. As the time approaches for the execution of this legislative trust, the hotels, boarding-houses, and many private houses, are filled with anxious advocates of the respective candidates. Men of every grade and condition, men of honest purpose and men steeped in crime; men of all shades of opinion and principles, as well as those destitute of either, appear and commingle at "headquarters," until "headquarters" become a very pandemonium of strife, seasoned with corruption.

That these scenes of strife and political chicanery have not been attended with more reprehensible results and consequences, is matter of congratulation to the State and to the people at large. To hold any candidate responsible for the acts of those entertained at "headquarters," is a proposition too absurd to merit scrutiny or discussion. The banker is there with his treasure, in vain endeavor to purchase honor. The shyster is there, to sell an influence which he never possessed. The gambler is there, to pool results. Whilst the new member is there, to gratify a morbid curiosity "to see *how* it was done." In such a camp, with such a following, can we expect purity?

The trust reposed by our national constitution in the Legislatures of the several States to elect, by their sovereign franchise, worthy persons to represent the honor and sovereignty of the great commonwealth in the National Congress, is one of the highest and most sacred trusts known to our system of government,

and around its administration the highest and strongest legislative safeguards should be placed. The Senatorial elector should live in an atmosphere of purity; his person should be unapproachable, and his conclusions and judgment should be held as sacred as the deliberations of the juror in the box, or of the judge upon the bench.

R. D. HARTSHORNE.

TOPEKA, KANSAS, March 7, 1879.

#### HOUSE RESOLUTION.

By Callen, Keller and Hartshorne, of the Committee on Investigation.

*Resolved*, That the Committee on Investigation be directed to forthwith furnish the State Printer a full and complete copy of all testimony by it taken under House resolution adopted February 6, 1879, and its reports thereon, and that said committee deposit all the original testimony subscribed to by the witnesses with the Secretary of State, for preservation in his office.

*Resolved further*, That the State Printer be directed to publish one thousand copies of said testimony and reports, for distribution.

#### TESTIMONY.

TOPEKA, KAS., Feb. 13, 1879.

Committee met pursuant to adjournment. Present: Messrs. Randolph, chairman, Callen, Hall, and Keller.

#### TESTIMONY OF G. L. WHITE.

G. L. White sworn, and testified as follows:

I am a member of the House from One Hundred and Seventh District, Republic county.

*Question*: State what you know, if anything, concerning the payment of money or other valuable thing, or the offer or promise to give money or other valuable consideration, to any member of the House of Representatives of Kansas to influence his vote in the late Senatorial election. State fully.

*Answer*: On the day that Ingalls was elected, about 10 o'clock A. M., I stepped into the office of the Tefft House. A gentleman came to me and said a particular friend of mine wished to see me, up stairs. I went up stairs to the room I was directed to, and two gentlemen occupied the room, and one of them a stranger, who I was informed was a railroad man. I would know his name if I heard it. The stranger left the room when I entered, and the gentleman who remained with me in the room locked the door as the stranger went out. Then he said to me: "What do you know about the Senatorial election to-day?" My remark

was, to bet on Horton. My idea was that he was wanting to gamble on the election. I told him we had eighty-seven men pledged. He then said that he did not wish to bet, but was interested in Ingalls, and wanted to know if it was possible that I could vote for Ingalls. I told him I could not, under any circumstances. He then got up and took me by the hand, and appealed to me as an old friend to vote for Senator Ingalls. He then said to me, as he and I were old Ohio friends that he knew that I would not go back on him or give him away. I think that was the language; it was something to that effect. He then, while he had me by the hand, said that if I would take any consideration in money to vote for Ingalls that *I might name my price*—it did not make any difference what it was. I then turned to go, and he held on to my hand, and as I turned to go I told him I could not take anything. He still held on to my hand. I then stated to him that any money he would invest on Ingalls he would lose it sure, and told him not to invest. He said it was not his money. He said something about Senator Ingalls giving him \$5,000; that Ingalls had given him or handed him \$5,000 to use in securing his election. My impression is that he said Ingalls gave it to him that morning. I then started to leave the room, and had got as far as the door, when he caught hold of me and wanted me to take \$500 to start on, to show he meant it, and when I would return after voting for Ingalls, I could have whatever I wanted. I could name my price and the money would be forthcoming. I refused positively. The door was still locked, and I was standing near the door. Then he took me by the hand and got my promise that I would not give him or Ingalls away. I understood that he was afraid that I would make an exposure on the floor of the House and prevent Ingalls's election. This I promised not to do. He then stated that they only lacked one man of a majority, and he was sorry I could not help him out. I then passed out, and Clarke of Montgomery was walking in front of the door of the room, and a member of the House, that had been the night before in the Horton caucus, passed in.

Here the witness was temporarily dismissed.

The witness, G. L. WHITE, recalled:

*Question:* Give the name of the man who unlocked the door, as you have stated, for you to pass out.

*Answer:* Danford, a banker of Osage City, Kansas.

Q. His full name, residence and business.

A. J. S. Danford, I believe.

GEO. L. WHITE.

FEBRUARY 24th, 1879, 7:30 P. M.

Committee met pursuant to adjournment. Present: Messrs. Randolph, chairman, Callen, Hartshorne, Keller, and Hall.

TESTIMONY OF J. S. DANFORD.

J. S. Danford, being called as a witness, being first duly sworn, says:

*Question by the Chairman:* You may state your name, residence, and occupation.

*Answer:* My name is J. S. Danford. I reside at Osage City, Osage county, Kansas, and I am a banker by occupation.

Q. You may state whether you was in Topeka during the late Senatorial election.

A. I was, the most of the time.

Q. From what date to what date?

A. I was here from about the 14th of January to the 1st of February.

Q. State what you know, if anything, concerning the payment of, or the offer or promise to pay, any money or other valuable consideration to any member of the House of Representatives of this State to influence his vote in the late Senatorial election. State fully what you know, if anything, in the above matter.

A. I know absolutely nothing. I have not heard any member of the House say that he had received any money for his vote.

(*By Mr. Hall.*)

Q. Are you acquainted with Mr. White, a member of the present House of Representatives from Republic county?

A. I am.

Q. Did you have any conversation with him on the morning that Mr. Ingalls was elected Senator?

A. I had.

Q. Where?

A. In the Tefft House. I believe Room 120. I told different gentlemen to tell Mr. White to come up to the room if they saw him. I slept in the room. It was a kind of an Ingalls camp. I think it was Merritt's room. I think it was a kind of a consul-



tation room by the friends of Mr. Ingalls. I was not there working for Mr. Ingalls in particular. I was in bed when I sent out for Mr. White. I did not go into a private room with Mr. White. I might have been alone with him in that room. I don't know whether any part of our conversation was private, or whether we were alone or not. I presume that a part of our conversation was private. I remember the conversation that we had. I don't remember the fact of locking the door when Mr. White was in the room, and don't remember any occasion for my locking the door.

Q. Did you have any conversation with Mr. White on that day previous to the election of United States Senator, except the conversation in the room 120 in the Tefft House?

A. I don't remember of any. Don't think I did.

Q. When did you first make up your mind to support Mr. Ingalls?

A. I decline to answer, because I don't remember.

Q. Was it more than one day?

A. I can't say. I don't know. It all depended upon certain contingencies from time to time, of a political nature.

Q. Had you made up your mind fully at the time Sam Wood called on you in that room 120 the first time on the morning of the election?

A. Yes.

Q. Did you on the morning of election state to Sam N. Wood that Ingalls was all promises, but you did not believe that he had any money, or words to that effect?

A. I don't remember of talking to Sam Wood about it.

Q. Did you tell Sam Wood that morning that if Ingalls got your support he would have to put up?

A. I said nothing of the kind.

Q. Did you not tell Sam Wood that morning that Horton could be elected that day for \$5,000, but that it would cost Ingalls \$10,000?

A. No, I did not.

Q. Did you not on that morning tell Sam Wood that you did not know whether or not you would support Ingalls; that Auld had been sent for and would be there in a few moments, and then you would know what you would do in reference to the Senatorial election?

A. No; I may have joked with Mr. Wood on the subject, but we are not confidential friends, either politically or otherwise, and I never talk seriously with him on any matter.

(*By Mr. Callen.*)

Q. Did you at any time during the late Senatorial contest tell S. N. Wood that you had offered Mr. Ingalls your help and assistance in procuring his election to the U. S. Senate, if he would have placed to your credit at Auld's Bank, in Atchison, the sum of \$5,000, or any other sum of money, or compensate you with any other valuable consideration for your assistance and support?

A. No, sir; certainly not.

Q. Did you, on the 31st day of January last, or any other time, offer G. L. White, the present Representative from Republic county, \$500, or any other sum of money, or any other valuable consideration, to influence his vote for U. S. Senator?

A. No, sir-ee.

(*By Mr. Keller.*)

Q. State if you told Mr. Wood, on the day of the election, that a member of the House had offered to you that he would vote for Ingalls for the sum of \$300?

A. No.

(*By Mr. Hartshorne.*)

Q. What conversation had you, on the morning preceding the election of U. S. Senator, with Mr. White in regard to his voting for Mr. Ingalls? State fully the whole conversation.

A. Mr. White's wife and my wife were old schoolmates from Ohio. I met Mr. White at Topeka, Kansas, during the Legislature two years ago, and we worked together to secure the election of Senator Plumb. We became on intimate and friendly terms. I suggested to Mr. White on the morning he called at Room 120, the morning of the election, that nearly all the boys who worked together two years ago were working together now for Mr. Ingalls's election, and that I would like for him to join us, and suggested several reasons why he should do so, instead of going among political strangers. He replied, that he was sorry that I had not seen him sooner; that he wouldn't have gone into the other caucus. I urged him to vote for Mr. Ingalls, as a personal favor to me. After discussing the matter at length, he promised me that if he was convinced that his vote at the time

his name was called, it being near the close of the alphabet, would elect Mr. Ingalls, he would vote for him. He said, however, that it would require considerable nerve, and if the Horton fellows watched him too closely he might not do so. After the election he told me that he was glad that I had succeeded without his vote, as it gave him the privilege of voting according to his caucus pledge.

Q. Did you in your own behalf, or in connection with Mr. Auld or any other person, during the pendency of the Senatorial election, procure to be furnished the sum of \$10,000, or any other sum of money, to be used in the interest of Mr. Ingalls or any other Senatorial candidate, corruptly or otherwise, to promote the election of Mr. Ingalls or any other candidate by the Legislature at the late Senatorial election?

A. No, sir; I did not.

J. S. DANFORD.

FEBRUARY 24th, 1879, 4:30 P. M.

Committee met pursuant to adjournment. Present: Randolph, (chairman,) Callen and Keller.

TESTIMONY OF W. S. WAIT.

W. S. Wait, having been sworn, was recalled, reëxamined, and testified as follows:

*Question:* State your name, residence and occupation.

*Answer:* My name is W. S. Wait. I live in Lincoln, Lincoln county, Kansas. Am an attorney and farmer.

Q. How long have you lived there?

A. Seven years next March.

Q. Are you a member of the present House of Representatives of Kansas? If so, what district?

A. I am. I represent the One Hundred and Twelfth District, composed of Lincoln county.

Q. State what you know of anything concerning the payment of, or the offer or promise to pay, any money or other valuable consideration to any member of the present House of Representatives to influence his vote in the late Senatorial election in this State. State fully what you know, if anything, in regard to the above matter.

A. When I came here to attend the Legislature, I took rooms at Mrs. Rankin's, corner of Sixth and Topeka avenue. A few days later, Harry Anderson, a member from Ellsworth county,

Representative 113th District, took rooms at the same place, and we roomed together. We often conversed on the Senatorial matter. At first he was not pronounced, but said he wanted to wait till he saw who the winning man would be. My personal preference was for Geo. T. Anthony, but I was satisfied that a majority of my constituents was in favor of John J. Ingalls, and when I first came here I intended to cast my vote for him—John J. Ingalls—but facts that were not before my people convinced me that he was corrupt, and I resolved to vote for Geo. T. Anthony. I often conversed with Mr. Anderson about the corruption of Ingalls, and he said they were all corrupt—meaning all the Senatorial candidates, I supposed. He said that he was satisfied that both sides were using money. I cast my first vote for Geo. T. Anthony, and continued to vote for him until the night before election, when the anti-Ingalls caucus was held. I refused to go into the caucus, for fear that some one of certain prominent candidates might be nominated which I did not believe were any better than Ingalls, and, as between two evils, I preferred to support the man that was the choice of my people. Believing that there was no chance for Anthony to be nominated in the caucus, I had about decided to vote for Ingalls, and said as much to Anderson. The night before the election, at our boarding-house, I went to bed thinking I would wait for a development of events. Sometime in the night Mr. Anderson came to my room and told me that Horton was nominated in the caucus, (this was about two o'clock in the morning,) and asked me if I had made up my mind how I would vote. I told him that I had not; that this had put a different phase upon the subject; that Horton had the reputation of being an excellent man, and I should have to think about it, as my people knew but little about him as a candidate for Senator. Mr. Anderson told me that there would be a visiting committee down there to see me; that there was great excitement in town, and he wanted to see me again before I made up my mind; by daylight he could tell which was going to win, and he wanted to be on the winning side. He said that he believed that Ingalls was going to make it. I think he said at that time that the moneyed men were supporting him. I told him that I had until the next day at noon to think it over. The last thing he said to me then was, "Don't commit yourself till I see you again," and he then went away.



The next morning, I think it was after breakfast, while sitting in the parlor, several parties present, among them was Gen. Bull, Mr. Anderson came into the parlor and called me into our room, which was adjoining the parlor, and asked me if I had made up my mind how I was going to vote. I told him it was a hard matter to decide. I was satisfied that Ingalls was corrupt, and that Horton was a good man, and personally I preferred him, and I believed my people would if they knew as much about Ingalls as I did. Mr. Anderson said: "If you want to be on the winning side, you want to vote for Ingalls. Talk about this being corrupt, they are all corrupt; both sides are using money. I have been offered \$1,000 for my vote, and Ingalls has got the most money, and is going to make it;" and said that they, referring to the Ingalls party, either had used or were going to use \$20,000, if necessary, and a man could get something for his vote now if he wanted to. I replied, "They have not been around to me with any yet." He looked at me steadily for a moment, and then said, "Will you be mad if I make you an offer?" I answered, "Oh, no! I will not get mad at all." He then said, "I will get you \$500 if you will vote for Ingalls—that is the most they are paying for votes." I replied, "Where is your money?" He said, "I have not got it here. I can go and get it for you, if you will take it." I replied, "All right—bring it along." He said, "Where will you be? I will have to go up to the Tefft to get it. You remain here, and I will bring it down to you." I told him that I was going up to the Tefft; that I would not be here but a short time, and that I would see him up there. He then left the room. General Bull came right into my room, and I told him all that had transpired between myself and Mr. Anderson. I then went to the Tefft House, and in going up to Gov. Anthony's room I saw Anderson coming from towards Ingalls's room. He approached me and asked, "Are you going to do it?" I said, "Yes; give us the money." He said, "Wait here a moment, and I will see you again." I told him that I had found another man for him: General Bull was hard up and would take \$500. He said to me, "Do you believe it?" I said, "Of course I do." He then asked how he should approach him. I told him to go straight at him. He asked me where he could see him. I replied that he was down at the boarding-house. He

said, "Wait here a moment, and I will be back." I said, "I will be around here. I want to step in the other room a moment." I went into Anthony's room and saw General Guthrie and told him to look out; that the Ingalls men were using money; that I thought that Bull and I would capture a \$1,000. That I had a notion to take it, and vote for Horton. He said to take it—it would serve them right. I then went out into the hall and saw Anderson coming from Ingalls's room. He again approached me and asked me out one side. I followed him into the hall leading westward to another small hall running north to a window, where we sat down on the window sill. He said, "I have got the money for you, and as soon as you vote for Ingalls I will give it to you." I told him that that was thin; that I wanted it down. He said that it would be all right, that he had got the money right there, and took from his pocket a package of bills, greenbacks, I suppose, from their general appearance. They lay out lengthwise with a band around them, and did not appear to have been rolled. He said, "I have not counted it, but I am satisfied that there is the \$500." He then took from another pocket another bundle of bills, and said that he made that last night; "I put in \$5 and drew out \$110," and referred to some game that I supposed was a gambling game. He then said, "We sit together in the House, and I will have the money rolled up in a paper, and as soon as you vote for Ingalls, I will hand it to you under the table, and no one can see it, and it will be all right." I said, "No; let me have the money now." He said, "No; I can't do that. I am held responsible for a vote for this money, and you know that I will give it to you all right." I said, "It is getting late, and we will have to go. You go and see General Bull, and it will be all right." We then left the hall. I started for my boarding-house, and on the road I met General Bull, when I found it was so late it was necessary that I should go straight to the State House. General Bull and myself went to the House together, and I took my seat on my table. Some ladies were occupying my seat and Mr. Anderson's. I kept tally as the vote was being taken. Mr. Anderson was standing near. And while the vote was being taken Mr. Anderson came close to me and whispered, "Now vote for Ingalls and you can have your money. It is all right." When Bull voted for Horton, Anderson expressed to me his surprise, and said in a sup-

pressed voice, "Damn it! Bull voted for Horton!" When my name was reached I voted for Horton, at which Anderson expressed his surprise, and said, "Damn it! you had better voted for Ingalls." This is, so far as I recollect, all that occurred with Anderson and myself up to the election of U. S. Senator on Friday, the 31st of January, 1879.

Q. Did any other member of the House ever offer you any money to influence your vote for U. S. Senator?

A. No, sir; no money nor anything else.

Q. Have you heard any member of the House say that he had received or been offered or promised any money or other valuable thing to influence his vote?

A. None, except what I have stated as to Anderson.

Q. Did you call on Mr. Ingalls during the Senatorial canvass?

A. I never called on Mr. Ingalls, but I was in his room once, invited in there to see a gentleman from Montgomery county. But Mr. Ingalls called on me at my room two or three nights before the election, about 10 o'clock.

Q. Did he ever offer any inducement to you to vote for him?

A. None at all.

Q. State whether General Bull ever told you or intimated to you that he would take \$500 or any other sum of money for his vote for Senator.

A. He never did, in any manner.

Q. Then why did you tell Anderson that Bull would take \$500?

A. I wanted him to go to Bull so that Bull would know the dirt that was being used. I had heard General Bull say that if they offered him money he would take it, and vote for whom he pleased.

W. S. WAIT.

TOPEKA, KAS., February 26, 1879.

Committee met pursuant to adjournment. Present: Messrs. Randolph (chairman), Keller, and Callen.

TESTIMONY OF H. T. ANDERSON.

H. T. Anderson, having been sworn, was recalled, reëxamined, and testified as follows:

My name is H. T. Anderson. I reside in Ellsworth county. I am a farmer. I have resided there about thirteen years.

Question: State whether you are a member of the present House of Representatives of this State.

*Answer:* I am. I represent the One Hundred and Thirteenth District.

Q. State what you know, if anything, concerning the payment of, or the offer or promise to pay, any money or other valuable consideration to any member of the present House of Representatives of this State, to influence his vote in the late Senatorial election. State fully what you know in this matter.

A. The first time that I remember that there was any mention made to me of a chance to get any money out of this thing was early in the morning on the day that the election took place. It was before daylight. Charles Baker, of Salina, approached me, in the Tefft House, and asked me to go to a room in the Tefft House. It was Col. Phillips's room. After I went to his room, he asked me if I would still stand by Ingalls, after Horton's nomination. I told him that I proposed to vote for the winner, and he tried to make me believe that Horton would win. I told him that I had no evidence to convince me that Horton would win. He asked me, that if he would satisfy me that Horton would win, that I would vote for him. I told him that I didn't know what evidence he could furnish that would convince me; and he replied, in substance, that the boys were betting every dollar they could rake and scrape on Horton's election. I told him that I had seen money lost on the same kind of things. He stated then that his side had plenty of money to secure all the weak-kneed men. I wanted to know of him how much he thought it would take. He said that he couldn't tell until next day, but that they had plenty. I told him that the people would not forgive me for going back on Ingalls, unless I voted for a better man, and he was elected. I told him there had been some things said about Judge Horton, which, if they were true, were worse than had been said about Mr. Ingalls. He laughed, and said, "It makes but little difference to you or me which one of them is elected, and you must be satisfied by this time that one of them will be elected to-day." He said, "I want to see you on the winning side." He wanted to know what Ingalls had promised me, or whether he had made any promises or pledges to me provided he won. I told him he had not. He told me that I was foolish to work for him if he hadn't, and said, "We can offer you solid inducements." I wanted to know of him how he could make his inducements solid. He said, "We will give you the cash." I



told him that it would take a good deal of money, the way I felt at that time. He said, "Well, I will see you again;" and I told him, "All right;" that I had no objections to his talking. This is all the conversation at this time. I was around the Tefft House after this, and met Brown, Representative from Mitchell, who told me that Wait, of Lincoln, had gone back on his pledges of the previous night, and was strongly in favor of Horton. I told Mr. Brown that if that was the case that he had been bought. I went then to my boarding-house, found Mr. Wait in the sitting-room and called him into our bed-room, and asked him if the report was true, that he had turned. He said that it was. I asked him what his reasons were. He said that he could not vote for Ingalls because Ingalls was using money to secure his election. I asked him what authority he had for making the statement. He said that he had good authority, but would not give the names. I told him that I believed nothing of the kind; and told him that if he could prove to me that Ingalls was using money, and Horton was not, that I would vote for Mr. Horton, and asked him if he would do the same. He said that he believed that he would. I then began to argue with him in regard to his consistency in this Senatorial fight. I told him that three-fourths of his people, according to his own admissions, were strongly in favor of the reëlection of Ingalls; that he had told me, in Ellsworth City, in the presence of G. A. Atwood, that in deference to the wishes of a majority of his people, he would vote for Ingalls, and he had also told the same thing after he had arrived here, but that after Gov. Anthony had boarded at Mrs. Rankin's about one day he said he would cast his first vote for Ingalls, but that he thought that he would cast his second vote for Gov. Anthony; that he had on the first ballot gone back on Ingalls, and had voted against Ingalls, and talked against Ingalls, until the night previous to this conversation, and had then promised myself and Mr. Brown, of Mitchell, that he would vote for Ingalls on the next ballot, and told him that there was only one way for him to relieve himself, and that was to obey the wishes of his people, and vote for Ingalls on the next ballot. He said he would not, which raised my temper somewhat, and I told him that he had sold out, and I believed if he was searched that they would find the money in his breeches. He denied it, and I told him that it was a hard case to prove, but that I would make his people believe it when

we went home. Then he reverted to our previous conversation in regard to Horton's using money. He said that if I could prove to him that Horton was using money, he would vote against Horton and would vote for Ingalls. I told him that if he would come to the Tefft House inside of an hour and a half, that I would prove it to him, and he asked me to not say anything about the conversation that we had had, and not to abuse him, and I told him I would not mention it. Then, afterwards, I went to the Tefft House, and found the man Baker, that had approached me before, who asked me to come to his room again, and asked me if I had any notion of turning. I told him that the only thing that would make me turn would be to satisfy myself that Horton was going to win. Then he stated that he would give me a certain amount of money, and I should keep the same if I voted for Horton, and if I did not I should return it, "For," said he, "you may be in doubt when you get on the floor, and it would be too late to make any money out of it." He asked me how much I would want if I was in doubt. I told him about \$1,500. He said that he could buy lots of them for \$500. I told him then that I would trust to him to make the best bargain he could. He wanted to know when he could see me, and I told him he would find me in the club room. I told him that I was trying to dodge some persons. I then went to the club room, and waited till he came. He said that he had made the proposition for \$1,000, and could not get it. I told him to go back and do the best he could; that the time was getting short. He came back afterwards, and told me to come to his room. I went there. He locked the door. He said, "What you find on the bed you are to return if you don't vote for Horton." He turned his back, and I found a package on the bed. The package was money, with a buff paper bandage around it, with the figures \$500 on it. I took this money, went up-stairs, found Mr. Wait, took him to the back end of the hall, in an alcove, and told him that there was \$500 of Horton's money. He wanted to know who gave it to me, and I told him it was a Horton man, but that I wouldn't give the name, and did not. We talked about who would be elected, and I told him that our boys had made up a pool, and were betting strong on the result. I told him that Merritt, Joe Wilson and Hallowell were in the pool. I told him that so far I had put in about \$120, and had

some more money that I would put into it. I don't remember of showing Wait any money except the \$500.

Q. State whether the \$500 about which you now testify is the same \$500 about which you testified in your former examination before this committee, and which you then produced in evidence before said committee.

A. It is the same identical package.

Q. Go on, and state further under the general question.

A. After I showed Wait this money, he remarked, "I don't know whether this is Ingalls money or Horton money." He says, "This is too thin." I told him that nothing would convince him but money; and that, I think, broke our conversation off pretty short. I started off to leave him, and he called me back. He said, "Don't let us say anything about this; I may vote for Ingalls yet." In hopes I might win him over, I told him I wouldn't say anything about it. I did not offer Mr. Wait this package of money at any time, nor any other money at any time. We then separated, and we didn't see each other again until we met in the House. I walked up to the State House with Mr. Merritt, by the way of Mrs. Rankin's, and showed Mr. Merritt this package of money, and told him what use I had made of it, and that I intended to return it to the party who gave it to me. Before the roll was called, some one asked who headed the list of Senators. I told them Benedict, and Wright was last in the House; and I reached over and slapped Jim Legate on the back, and said, "We have got you from Alpha to Omega, and will rattle you all the way through." He raised up in his seat, and said, "You can raise no cold deck on this House." I asked him what he meant. He said, "You have a cold deck in your pocket." I told him that we needed no cold deck to beat him; we could do that and play on top of the table. After the election, I studied over the remark of Mr. Legate, and came to the conclusion that I would not pay the money back unless the parties were present to whom the money belonged, and Mr. Legate also, and made the proposition to Mr. Baker—I being satisfied that Mr. Legate knew of my having received the money—which proposition was not accepted by Mr. Baker. I had no evidence whatever at that time that Mr. Legate knew that I had the money, except from the remark he then made.

Q. Have you with you the \$500, or any part of it?

A. I have not.

Q. Have you returned the money, or any part of it, to Mr. Baker?

A. I have not.

Q. Has Mr. Baker told you from whom he received the money

A. No.

H. T. ANDERSON.

TOPEKA, KANSAS, March 4, 1879—7:30 P. M.

TESTIMONY OF C. J. BROWN.

C. J. Brown, being sworn, testified as follows:

*(Questioned by Mr. Anderson.)*

My name is C. J. Brown. I reside in Mitchell county. I am a member of the House of Representatives. I represent the One Hundred and Eleventh District.

*Question:* Will you state whether Mr. Wait told you prior to the Senatorial election who his choice for Senator was?

*Answer:* He first told me he was going to support Geo. T. Anthony. I think it was on Thursday afternoon prior to the election of Senator. I had some talk with Mr. Wait on the street about Senatorial candidates. I was trying to persuade him that it was his duty to support John J. Ingalls. That evening, as I came from supper, he called me to his room. It was just after dark, and he said he wanted me to see Anderson, of Ellsworth, and also see Mr. Ingalls, and tell Anderson to do the best he could with Ingalls, and he would stand by it. He said, by way of explanation, that "I and Anderson are trying to get the land office removed from Salina," and that I could tell Mr. Ingalls that he was going to support him and only him. I told Mr. Ingalls just as soon as I came down town. I didn't make any mention to Mr. Ingalls about the land-office matter at all; I just simply told him that Mr. Wait was going to support him; but I found Mr. Anderson, and delivered Mr. Wait's message to him.

Q. The next morning when I met you in the Tefft House, and you told me that Wait was going to vote for Horton, what did I say about it?

A. I believe that you said "Damn him—he has sold out." When I delivered Mr. Wait's message to Mr. Anderson, Anderson said "I won't say anything to Ingalls about the land office



now, but if we turn in and work for Mr. Ingalls he certainly can't disregard our claims."

Q. Was there any doubt among the Ingalls men about my fidelity to Mr. Ingalls?

A. Not among the Ingalls men who were among the recognized leaders of the Ingalls party.

C. J. BROWN.

TESTIMONY OF T. J. RAYBELL.

T. J. Raybell, sworn, says:

My name is T. J. Raybell. I reside in Virgil, Greenwood county, Kansas. I am a member of the present House of Representatives. I represent the Eighty-fourth District. I am a physician by profession.

*Question:* State whether any person offered you any money or other valuable consideration to influence your vote in the late Senatorial election.

*Answer:* On the morning of the election, or the day before, a man stated to me that he was interested in Mr. Ingalls's election. He stated that there was money being used on both sides. He asked me for whom I had been voting, and I told him I had been voting for Anthony. He then wanted to know whether I was going to the caucus that night. I told him no, that I was not. He asked me some questions as to who I thought would be the nominee of the caucus. I told him I didn't know. He said that money was being used by both sides, and that I might as well have some to pay my election expenses as not. He said that he hadn't any money, but he was interested in Ingalls's election, and wanted to see him elected; but he knew who did have money. I asked him who had the money. He said it didn't matter about the man's name, or something to that effect. Just at that time some one came along, and we separated. This conversation occurred on the sidewalk below the Tefft House, pretty late in the afternoon on the day before the election. The man who thus talked to me was heavy set, about five feet seven or eight inches high; dark chin whiskers; rather round face; his hair dark; fair complexion; his whiskers quite heavy. He was a stranger to me; I never saw him before; I don't know his name. That was all that occurred at that time. He talked to me as though I could get \$250 or more for my vote for Ingalls. After night the same day another man, whose name I don't know, came to me at

the Tefft House. He plucked me, and I turned around and he started off in the direction of the dining-room, and I followed him up two flights of stairs in the Tefft House, and he went into a room where there was no light; the number of the room I don't know. When we got in there he shut the door. He said, "I suppose we understand each other?" I said, "Certainly." He then said that he had a check for \$250. I told him I didn't do business in that way. He wanted to know whether I would rather have the money than the check, and I told him yes. He told me to stay there until he came back, and he went out. He was gone fifteen or twenty minutes, and came back to the room without any light, and said to me, "Here is \$250; you can take my word for the amount." I counted it the next day, and there was \$250. I said to him, "You want me to vote for Ingalls?" He answered, "I haven't any man." I said to him, "Then I suppose I am free to vote for whoever I please." He then said we understood each other in regard to that, or something to that effect. That was all that took place. He went out first, and told me to stop a minute until he was gone.

Q. When and where did you next see that man that gave you the money?

A. I saw him on the opposite corner from the Tefft House, east, a few days after I came back. I had a conversation with him. He is rather a large young man, tall and stout built, he will weigh about 180 pounds, I think. I think he has black eyes. He has a flush on his cheek—rather flushed. He wore a small moustache. I don't think he wore chin whiskers. His hair is dark. He said that he was out \$125, and wanted it back, and said he thought that \$125 would pay my election expenses, and said that he was disappointed in my vote. I had voted for Horton. I didn't pay him back the \$125. That was about all the conversation we had.

Q. State whether you have had any further conversation with the first man you mentioned in your testimony.

A. I have. On the A. T. & S. F. train between Osage City and Topeka coming north, on my return from home to Topeka after the adjournment, after the election of Senator, he came to me and asked me if Mr. Martindale was on the train. I told him no, not that I knew of. I remarked to him, "Your man

went in;" and he replied that he had no man. This is all the conversation I had with him that I remember of.

Q. Did you ever show the money that you received to any one?

A. I don't think I did. But I am pretty certain that I told J. B. Clogston that I had received the money. That was on Friday morning of the election of Senator.

T. J. RAYBELL.

TOPEKA, Feb. 13, 1879.

TESTIMONY OF J. B. CLOGSTON.

J. B. Clogston, sworn, and certified as follows:

I am a member of the House of Representatives from the Eighty-fifth District, Greenwood county; have resided there thirteen years.

*(Question by Mr. Randolph.)*

*Question:* State what you know of the payment of money, or offer to pay money or other valuable thing, for the purpose of influencing votes at the late Senatorial election.

*Answer:* The day before the final vote was reached, some gentleman came to me and said Ingalls wanted to see me. I went with him to Mr. Ingalls's room, in the Tefft House; waited a few moments until Ingalls was at leisure. He came out of an adjoining room, and said he would like to talk to me. I went into the room with him—into a second and private room; there was no one in the room but Ingalls and myself. We left the gentleman who went up with me in the main room. Mr. Ingalls wanted to know why I could not support him. I told him I came unpledged, without any promises whatever; that I could not support him by reason of the charges against him; that the explanations I had heard given were unsatisfactory to me. He said the charges made against him were false, and gave reasons. He then said it would be better for Mr. Plumb, and wanted to know if he should show me a written statement from Plumb, requesting me and other gentlemen to vote for Ingalls, if I would do so. I said I would like to see the statement from Mr. Plumb. He said, "Do you know Plumb's handwriting?" I said, "Yes." He said, "Will you give me your word and honor as a gentleman, that if Plumb has requested in writing that his friends, and you among the number, would support Ingalls, that you will do so?"

I said, "Let me see the evidence." He said, "I will show you, if you will give your word," and then asked what I wanted to see it for. I told him for this reason: that when Plumb's time was out, I wanted some good reason for going back on Plumb, if he had made that request of me. He said, "Then you are going to let Martindale vote Greenwood county, are you?" I told him, "No; Martindale had nothing to do with my vote." Then he said here, "Martindale and your people did not support Plumb, and there is a bad feeling, *and if you will vote for me you can control the appointments of your county;*" that it would be all right with Plumb. I told him that if I could control appointments I would not interfere with them; that the appointments of my county would have no influence on my vote. He then said, "See Hood, and whatever Hood will do for you will be all right with me." He asked me what I wanted, and if there was anything he could do for me. He then again referred me to Hood. Mr. Hood is a partner of Plumb's in the bank. The next day a stranger came to me, and said that Mr. Hood had sent him to me. I asked what Hood wanted, and the man said, "I want to have a talk with you." We then walked down to a stairway, and stood inside, out of the street, and he said here, "You had a talk with Ingalls yesterday; have you seen Hood?" I said, "No." He said, "Hood sent me to you." He said, "If you will vote for Ingalls, I will give you a check for \$500." I said, "You must think I am a damned fool. If you think I would take a check and go to a bank and cash it, you must think me a damned fool." He went on to say it was all right — no one would know it; and he said, "If you have any fears about the check, I will give you the money. Or," he said, "I will take you to Hood; you will take Hood's word for it, won't you?" I told him I would not do it; I would not vote for Ingalls for money; I would not sell out my vote. From his general conversation, I understood that the money was at the bank on the corner northeast from the Tefft House. He insisted that I should take the money, and I finally told him that if I took the money I would not vote for Ingalls. He said "Oh, hell!" and walked off. This talk was on Friday, the day of election. This man had no whiskers, except a moustache. I do not know his name, but would recognize him if I saw him.



One member of the House has confessed to me that he has received money for his vote.

J. B. CLOGSTON.

[Here witness was dismissed, to be recalled February 24, 1879.]

J. B. CLOGSTON, recalled :

*Question:* Give the name of the member of the House who confessed to you that he had received money for his vote, and state the amount.

*Answer:* I have reasons for not giving his name, believing the communication to have been given in confidence, with the understanding that I would not communicate it. I therefore must decline answering.

*Q.* Give the name of the gentleman who came to you the day before the final vote for Senator, and said that Mr. Ingalls wanted to see you.

*A.* Have been unable to learn his name. Am informed that he lives in Osage City, Kansas.

J. B. CLOGSTON.

February 27th, 1879, the witness J. B. CLOGSTON was recalled, and examined further, as follows:

*Question:* Give the name of the member of the House who told you that he had received money for his vote, and state amount, and what he said about it.

*Answer:* Mr. Raybell told me that a man whom he did not know offered him money, and wanted him to vote for Ingalls, but that he did not receive any money from him; that the man pointed out by Raybell to me as the man who offered him money was a Mr. Hood, of Emporia, Kas. Mr. Raybell afterward told me that a second man came to him, and said he would pay him his expenses in his campaign to secure his election, and told him that Mr. Hood would furnish the money; that he gave him \$250, but did not request him to vote for Ingalls, but said that Hood wanted Ingalls to be U. S. Senator, but that Raybell said to him that at the time he received the money he was to vote for whom he pleased for Senator.

*Q.* Did T. J. Raybell ever point out to you two certain men who had, as he said, urged him to vote for Mr. Ingalls for U. S. Senator, and one of whom he said had given him money to the amount of \$250 to vote for Mr. Ingalls? If so, state where and

when and what Mr. Raybell said to you concerning the matter. State fully.

A. Mr. Raybell pointed out two men, who, he said, had made offers to him. The first was a Mr. Hood; the second was not known to me, but have since learned that it was a man by the name of Danford, of Osage City, Kas. Do not think that Hood offered him any definite amount, but the second man, or Danford, offered and finally gave him two hundred and fifty dollars; that afterward Raybell told me that one of the men came to him and said that he was disappointed, and wanted Raybell to give one-half of the money back. This was some days after the final vote. At the first, I think Raybell stated that the man wanted him to take Hood's word for the money; that after the vote was cast, that they would, or Hood would, give him the money. This Raybell told me before he received the money. I think this conversation was all before the day of the last vote. The first conversation I had with Raybell I think was some two days before the last vote for Senator. J. B. CLOGSTON.

TOPEKA, KAS., Feb. 19, 1879—7:30 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Hall, Callen, and Keller.

TESTIMONY OF H. C. FISLER.

Whereupon Mr. H. C. Fisler was called, who, being duly sworn, says:

My name is H. C. Fisler. I live in Harper county, Kansas. My occupation is farmer. I have lived there about one year, I am a member of the present House of Representatives. I represent the One Hundred and Twenty-eighth Representative District.

*Question, by the Chairman:* State what you know, if anything, concerning the payment of, or the offer or promise to pay or give, any money or other valuable consideration to any member of the present House of Representatives of the State of Kansas, to influence his vote or the vote of any other member of said House, at the late election of a U. S. Senator by the Legislature of this State. State fully what you know, if anything, in the above matter.

*Answer:* When I came here I was a strong supporter of Geo.

T. Anthony. I was unprejudiced as regards Mr. Ingalls. I had not made up my mind who I would support if Mr. Anthony should be out of the way. I was somewhat favorably impressed with Mr. Ingalls, and should have supported him if I had not read the charges in the *Kansas City Times*; but after I heard Mr. Ingalls's explanation, I made up my mind that there must be something in them. His explanation didn't suit me at all, so I went to work to find out what I could about them. On the night that Mr. Horton was nominated, before I went to the caucus, I met J. S. Merritt in Mr. Ingalls's room, and told him that I wanted to get possession of a newspaper in our county, and in order to get it I would need some help. Mr. Merritt then told me to come to the foot of the stairs in the Tefft House, and he would show me where to go; and I met him there, and he pointed the door to me. He told me how to go to get to the room privately, and that he would meet me there. I went to the room designated by Mr. Merritt; he met me there as he agreed to, and we found another man there. As soon as they came into the room, Mr. Merritt left the other man and me together. I don't know who the other man was. We had some conversation about the Senatorial contest, and during our conversation he said he could furnish me money to pay my election expenses. He said that he was not prepared to make me an offer till he saw Mr. Hood. He told me that Mr. Hood was a cattle-man on the A. T. & S. F. R. R. I told him I did not think it was necessary to bring any one else into this thing. Mr. Merritt then came and called this man out. When he came back he told me that Mr. Merritt was afraid of me, as I had been a strong Anthony man. He was out about five minutes. This was about 7 or 8 o'clock in the evening, before I went to the caucus. He then said, "Well, now let us get down to business." He said, "We are not prepared to offer more than \$250 at this time." I told him it would take more than that to touch me, and that I should go to the caucus, and after that I should stand by the nominee. He tried to get me not to go to the caucus, but to hold myself open until the next morning. I told him that I would go up and stand by the action of the caucus. He said, "Well, you had better take a good look at me now, so if you want to see me in the morning, you will know me." I would be able to identify the man, I believe, although I am near-

sighted. I don't know his name. I was not introduced to him.

(*By Mr. Hartshorne.*)

Q. Did any one else ever suggest to you that you had better go and see Mr. Ingalls, or that you had better go to Mr. Ingalls's room?

A. No, sir; there was no one else ever made any suggestion to me in that respect.

(*By Mr. Keller.*)

Q. Had you any intention of accepting any money that should be offered to you by Mr. Ingalls, or any of his friends, to vote for Mr. Ingalls?

A. No, sir; I had no intention of accepting any money from Mr. Ingalls or any one else. My motive was to find out whether they were using money or not, and that was all.

H. C. FISLER.

TOPEKA, KAS., Feb. 22, 1879.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, and Callen.

TESTIMONY OF FRANK PLAYTER.

Whereupon Mr. Frank Playter, being announced as a witness, was duly sworn, and examined by the chairman. He said:

My name is Frank Playter; I live at Girard, Crawford county, Kas.; I have lived there nearly ten years; I am a banker; have been since 1870; I am acquainted with James A. Hossack; he is a member of the present House of Representatives; I have known him about two years; I was in this city during the late Senatorial election; I came here the Sunday previous to the election, and left on Saturday after the election; I saw Mr. Hossack every day that I was here, and conversed with him every day.

*Question:* State what statements, written or spoken, if any, Mr. Hossack has made to you concerning his having received money or other valuable consideration to influence his vote in the late election of U. S. Senator in this State, fully in this matter.

*Answer:* We had several and various conversations about the Senatorial election. On Sunday night previous to the election, when I first saw him, I asked him if he had made any pledges concerning his vote for U. S. Senator. He stated that he had not, and promised that he would not do so without consulting



Mr. E. H. Brown and myself. On Monday afternoon I saw him again, when he told me he was going to the Ingalls caucus. I asked him if he had changed his mind from what he said the evening before, and he answered that he had to go; that he had promised to go. Mr. Brown and myself tried to persuade him not to go. He went away with Mr. Brown and I didn't see him any more that evening. On Tuesday morning I asked him what had made him change his mind so suddenly in favor of Mr. Ingalls, after having promised what he did on the Sunday evening previous. He said that Mr. Ingalls had sent for him and talked with him concerning his vote, and promised to do something for him in the way of appointment, if he would vote and work for him. He said that he told Mr. Ingalls in reply that he was not ambitious, politically, but was poor and had his property under mortgage, and that his support would be a matter of business. He said that Mr. Ingalls asked him how much he could get along with, and asked him if he could do with \$500. He said that he told him no, that he would have to have \$1,000. Mr. Hossack said that Mr. Ingalls told him to see Mr. Merritt and Mr. Wilson; that they would arrange the matter for him, and stated that they could not raise but \$500 at present, but would pay him the other \$500 the 1st of March. He said that Mr. Ingalls told him that he would have some mortgages coming due about that time, and could arrange it then very well. Mr. Hossack told me that he did see Mr. Wilson and Mr. Merritt; that Mr. Merritt then paid him \$200. That was all the conversation we had at that time, and these were the reasons he gave me for changing his mind from what he had said on the Sunday evening. We had casual conversations after that time, and on Wednesday, I think it was, I asked him if he had got the balance of the money. He said at that time he had not, but that he had been to see Merritt and told him that it must be fixed up before the joint ballot on that day; Merritt told him that their money had not arrived yet, but would be in on that day's express. I went with Mr. Hossack up to the State House, and sat with him during the session. Mr. Merritt came to him while we were sitting there, before the vote was taken, and asked him if that matter was all right. He gave him an evasive answer, that indicated that it was not, and cast his ballot that day as I wanted him to, for Gov. Anthony. I think

in the evening after the vote I tried to get him to stay away from the Ingalls caucus; but he said that if they carried out their promises to him that he would have to stick to them and vote for Mr. Ingalls. Thursday night late he told me that he had got \$200 more, and the other \$100 so that it was just as good as the money. I asked him in what shape he had the other \$100, and that was his answer. He paid me at that time \$244 of the money that he was owing me—two \$100 bills, and a \$50 bill, and I gave him the change. This was all the conversation we had at that time concerning this matter.

Q. State whether he ever signed any written statement of his having received any money for his vote for U. S. Senator.

A. He did sign a written statement at the same time he paid me the \$244—Thursday night; it was signed in my room and left on the table, and I took it.

Q. Have you that statement now?

A. I have not; I returned it to Mr. Hossack.

Q. When and where did you return that statement to Mr. Hossack?

A. I returned it to Mr. Hossack last Tuesday evening, at my office—February 18, 1879.

Q. Do you remember the date of that statement?

A. My recollection is that it was on Thursday evening previous to the election; he signed it in my room at the Tefft House.

Q. Was that statement witnessed?

A. It was, by E. H. Brown, of Girard, who was rooming with me at that time, at the Tefft House.

Q. Who wrote the statement?

A. I wrote it myself, embodying what he had told me; I wrote it at his dictation; the question came up when we were talking about the shape he had the \$100 in; it stated that he had received \$500, and was to receive \$500 more the 1st of March.

Q. From whom did he say in his statement that he received the \$500?

A. He stated that he had received it from J. Merritt and J. Wilson.

Q. State whether in this statement Hossack said who was to pay him the other \$500.

A. I don't recollect.

Q. Did you ever make a copy of this statement?

A. I did.

Q. When?

A. I made it the following week after the Senatorial election, at the Tefft House.

Q. What did you do with copy?

A. I gave it to Mr. E. W. Majors, of Girard, a member of the House.

Q. Have you a copy?

A. I have not; I never made but one copy.

Q. Did any other person ever make a copy of that statement?

A. I let Mr. Shaw, of Paola, have the original one evening in my office, and I think he made a pencil copy of it; E. W. Majors was with Mr. Shaw at the time.

Q. Have you any letters or papers or documents relating to the foregoing matter?

A. I have nothing except a two or three-line letter from Mr. Hossack, requesting me to return to him that statement. That letter was written to me from Topeka, and received by me at Girard; this letter was received by me before Hossack's last visit to Girard, when he received the original statement.

Q. When and where did you last see E. H. Brown, who witnessed the original statement?

A. I saw him at Girard last Tuesday, the 18th.

Q. At the time of Mr. Hossack's last visit to Girard, state what reasons he gave, if any, why he wanted you to return his statement.

A. He said he wanted the paper returned to him because he didn't want it used against him.

Q. What is Hossack's financial condition, if you know?

A. He has been in embarrassed circumstances; has but very little property.

*(By Mr. Hartshorne.)*

Q. What was your object in visiting Topeka during the Senatorial election?

A. My object was to get a change in the railroad-aid law.

Q. Had you any other object in being here?

A. Nothing, except just the mere matter of being here during the Senatorial election.

Q. What was your reason for requesting Mr. Hossack to give

you that statement in writing, and why was Mr. Brown witness to that instrument?

A. The statement was asked for at the solicitation of Mr. Shaw; he requested me to try and get the statement in writing. I had told Mr. Shaw of his voluntary statement to me.

Q. Did Mr. Shaw give you his reasons for wanting the statement in writing?

A. I think not; only said that a paper of that kind might be valuable sometime.

Q. Was any one present when Mr. Hossack paid you the two hundred and forty-four dollars?

A. I don't know, but think Mr. Brown was there.

Q. Did you ever intimate to Mr. Ingalls, Mr. Merritt, or Mr. Wilson, that Mr. Hossack had communicated to you the fact you have related in your testimony, or the fact that you held a written paper of the character of the paper mentioned in your testimony, signed by Mr. Hossack and witnessed by Mr. E. H. Brown?

A. On the morning of the election, Mr. Ingalls sent for me to come to his room. Judge Perkins came to me and told me that Mr. Ingalls wanted to see me. I went with him to Mr. Ingalls's room, at the Tefft House. He wanted to know if I couldn't do something for him with Mr. Majors. I told him I knew that I could not; that Mr. Majors had gone into the caucus the night before, and wouldn't go back on it. I then showed Mr. Ingalls the statement; we were alone in the room. Mr. Ingalls became very much excited, and very angry; we hadn't much more conversation. He wanted to know if I was trying to blackmail him. I answered him, I had not come to him for anything; that he had sent for me to come to him. While we were talking there were others came to the door and came in. Before I showed him the statement, I asked him if Mr. Ping had said anything to him about helping him about some trouble he was in. He said he had not. I told him I had requested Ping to see him, if he could not borrow some money of him to pay me what he owed me. Mr. Ingalls said that he was sorry that Mr. Ping had not spoken about it; that there was not time now to do anything. When I first came up, I asked Mr. Ping to try and borrow some money, and pay me what he owed me. I had requested him to do this before I came up also. I told Mr. Ping that I thought



perhaps he could get the money from Mr. Ingalls, or some of his friends, so that he could pay me. I showed him the statement after this conversation with him about Mr. Ping.

Q. At what period in the conversation was it that Mr. Ingalls asked you if you couldn't get Mr. Majors to support him?

A. When I first went to see him, Mr. Ingalls said, after I had shown him the written statement, that it was an attempt to black-mail him. I replied, that I asked nothing from him; that the interview had been at his request. At that time a number of parties came into the room, and I left him, and Mr. Ingalls called for Mr. Wilson. Mr. Wilson came to my room a few moments after, and requested me to show him the paper that I had shown to Mr. Ingalls, which I did. He was very angry, and wanted to know what I was going to do with it. I told him that I didn't know as I should do anything with it, but intended to keep it. He asked me a number of times what I was going to do with it, and I answered him the same each time. I told him sometime during the conversation that I thought it was good information to have; and he said that any person attempting to use it would be prosecuted.

Q. Was it suggested to you by any one before or after the paper referred to and signed by Mr. Hossack was written, and before calling upon Mr. Ingalls as requested by Judge Perkins, that such a paper would be a good instrument to use when favors might be wanted of a United States Senator?

A. No, I think not, in that connection. It was talked of that its being made public might change the result of the pending election.

Q. At your first interview with Mr. Hossack, in which he informed you that he had made this negotiation and received the \$200, did he show you any money?

A. He did not.

FRANK PLAYTER.

Ordered, that the witness be dismissed for the present, subject to be recalled before the committee for further examination—witness to be notified by telegram to Girard, Kansas, from the chairman of the committee.

TOPEKA, KAS., March 3, 1879—8:30 o'clock A. M.

Committee met pursuant to its order of adjournment.

Present: Messrs. Randolph, chairman, Hartshorne and Hall.

FRANK PLAYTER, being cross-examined by Mr. Williams, says:

*Question:* You stated in your examination-in-chief that you had no other object in view in visiting Topeka, than to see about a railroad-bond act. Did you have any other object?

*Answer:* That, and to attend the Senatorial election.

Q. Had you any other business in Topeka?

A. I had not.

Q. Then you were not here for the purpose of making a settlement with the State Treasurer for the County Treasurer of Crawford county?

A. No; I was not instructed to make any settlement for him. The County Treasurer had been here prior to that time, and made his settlement.

Q. Had he paid the balance due the State?

A. No; he had not paid all of it; he told me that he had part of it. I do not know what the total amount was that he was to pay.

Q. Were you requested or instructed to ascertain the amount due, and pay it?

A. My answer to the question would be, No. Our bank was owing Mr. Curtis individually, and I agreed with him to pay for him \$3,000 to the State Treasurer.

Q. What was the nature and the amount of the debt due Mr. Curtis?

A. It was a deposit of about \$5,000.

Q. Don't you know, Mr. Playter, that this money belonged to Crawford county?

A. I do not. Mr. Curtis was handling a considerable amount of his own funds, independent of the county.

Q. Don't you know that a portion of that money belonged to Crawford county?

A. I do not.

Q. Were you never told so by Mr. Curtis or his deputy?

A. No, I was not. Mr. Curtis told me that he was handling \$10,000 of his mother's money, and since, some of this same money has been invested in mortgages in her name.

Q. Why, then, did Mr. Curtis request you or your bank, his individual debtor, to pay money which he officially owed the State Treasurer?

A. We have always forwarded the money through the bank

due the State Treasurer from our county, and this was done this particular instance at my request. Owing to the using of the currency there, we forwarded the currency from Kansas City, and kept the currency at home.

Q. Did you promise Mr. Curtis that you would make that payment while you were here?

A. I told him that I would see that the payment was made by forwarding it from Kansas City.

Q. Did you tell him about how soon you would forward it?

A. I told him I would forward it right away.

Q. Was it?

A. It was not.

Q. Did you at that time have the necessary amount, or the means of procuring it?

A. We had double that amount in the two banks in Kansas City, subject to my draft as cashier of the bank.

Q. When you came to Topeka, at the time referred to in your direct examination, did you bring with you a note and mortgage executed by the father of Senator Ping?

A. I did.

Q. Why?

A. I brought it to try and get Senator Ping to take it up.

Q. Was Senator Ping a party to the note and mortgage?

A. He was not, but he had talked with me about trying to arrange it about that time.

Q. Was Senator Ping at that time a man of means?

A. He was not, but said he thought he could borrow the money here on long time, as the security was good.

Q. Did he state from whom he thought he could borrow the money at that time?

A. I don't think he did.

Q. Did you, Mr. Playter, believe that Mr. Ping could borrow on that security enough money to pay off the debt from any man other than a Senatorial candidate or one of his friends, in Topeka?

A. Yes; because I believed the loan to be a good one.

Q. Why did you believe that he could borrow that money in Topeka on the note and mortgage?

A. I believed that he could find parties in Topeka who had money that would consider the loan a good one.

Q. Had you any other reasons? If so, state them.

A. He said himself that he thought Mr. Ingalls would hold him to make such a loan.

Q. Do you know as a fact that Mr. Ingalls was a candidate for U. S. Senator?

A. Yes.

Q. State fully what other reasons you had for believing that Senator Ping could borrow this money from some one other than a Senatorial candidate or one of his friends.

A. I had no other reason, other than that the loan was a good one.

Q. Did you attempt to negotiate the note and mortgage at any bank in Topeka?

A. I did not.

Q. Did you attempt to negotiate them at any loan office in Topeka?

A. I did not.

Q. Did you attempt to negotiate this note and mortgage with the State Treasurer, in settlement of the balance due from Crawford county to the State?

A. I did not.

Q. Did you ask the State Treasurer to take this note and mortgage in settlement?

A. No; I did not, in that shape. Mr. Merritt agreed to take the note and mortgage, and pay the money to the State Treasurer, and he referred me to Mr. Francis in regard to the matter. I called on Mr. Francis, and he told me I could rely upon Mr. Merritt taking it as he had promised. I asked him if he would receipt me for the money and take Merritt for it. He said that he could not do that, but that I could rely upon Mr. Merritt doing as he had promised. This is all the conversation we had concerning the note.

Q. Did you or did you not ask John Francis, State Treasurer, if he would personally take that note and mortgage in payment of the amount due from Crawford county to the State Treasurer?

A. No; only in the way I have previously stated.

Q. Now, Mr. Playter, excluding all arguments with and talk about Mr. Merritt, did you not ask John Francis, Treasurer of State, to take, individually, as his own exclusive and private speculation, this note and mortgage, in consideration of a receipt in full from the Treasurer of the State to the Treasurer of Craw-



ford county, Kansas, for the balance due on settlement from Crawford county to the State?

A. I did not.

Q. Was this note past due when you brought it to Topeka?

A. It was.

Q. You say Senator Ping told you in Girard that he thought he could get Senator Ingalls to help him in this matter. Did that suggestion come from Senator Ping or from you?

A. We had different conversations about it. I think he first spoke of it himself.

Q. Do you remember when and where he spoke to you first about it?

A. I don't recollect; we talked about it several times in Girard.

Q. Do you say, Mr. Playter, that Senator Ping promised to speak to Senator Ingalls about this?

A. He did; he promised me in Girard that he would write to Mr. Ingalls concerning it.

Q. Do you know whether he did or not?

A. He told me that he did not.

Q. Did you request Senator Ping to speak to Mr. Ingalls about this matter?

A. I did.

Q. When and where?

A. On the Sunday evening preceding the Senatorial election, at the Tefft House.

Q. Had you made any such request of him previous to that time?

A. I think I had, in our conversation at Girard.

Q. In all conversations between you and Ping on this subject, did he agree to consult Senator Ingalls about it? That is, did he ever refuse?

A. It was scarcely an absolute refusal, but in our last conversation he said that he did not think anything could be done.

Q. Was it before or after the Senatorial election?

A. It was before.

Q. Did any one suggest to you the obtaining of a written statement from Hossack?

A. Yes; Mr. F. M. Shaw, of Paola, did.

Q. What, if anything, did he say about the value of such a statement?

A. I don't recollect as anything was said about the pecuniary value; it was talked of as having a value in changing the result of the election.

Q. Did he state any number of dollars it would be worth to him? •

A. I don't recollect that he did.

Q. Did he say to you that with such a statement he or you could get such a contract as Hood got from Plumb, whereby \$20,000 was made without turning a hand, or words to that effect?

A. I don't think he did, in connection with the obtaining of the statement.

Q. While talking with Mr. Shaw about obtaining this statement, and before it was obtained, did Mr. Shaw say to you in substance what I have asked you in the two preceding questions?

A. I think not before; we had such a conversation after it was obtained.

Q. What did he state was the money value of such a statement?

A. He said it had a money value, but did not state the amount.

Q. Did you call upon Mr. Ingalls with this statement?

A. I did, at his request, conveyed through Judge Perkins.

Q. Was it suggested to you by any one before or after the paper, referred to and signed by Mr. Hossack, was written, and before calling upon Mr. Ingalls as requested by Judge Perkins, that such a paper would be a good instrument to have when favors might be wanted of a U. S. Senator?

A. It was not.

Q. Where was Mr. Brown when Hossack signed the statement?

A. We were all three in the room when the verbal statement was made. I think he stepped out while the paper was written and signed, but returned before Hossack and I left the table.

Q. Did Hossack at that time admit to Mr. Brown, in your presence, that it was his signature?

A. I don't think anything was said about it.

Q. Did Hossack see, or was he in a situation to see, Mr. Brown attest that paper as a witness?

A. I think he was in the situation to see it, but don't know whether he did or not.

Q. How large was this table which you had not left when Brown came in and witnessed the signature?

A. It was a small table—oblong; probably two and one-half by five feet.

Q. Was Hossack drunk or sober when he signed the paper?

A. He was entirely sober. There had been no drinking that evening, and he had been with us all the time.

Q. State fully your motive in obtaining such a statement.

A. It was to put the information he had previously given me verbally into writing.

Q. For what purpose did you desire it put in writing?

A. For its preservation.

Q. Why did you desire to preserve it?

A. I thought the information might be used to change the result of the election.

Q. Did you have any other use for the paper than as stated in your last answer?

A. I had not.

Q. Did you have it in your possession prior to and at the time of the election of United States Senator?

A. I had.

Q. Did you use it for the purpose of changing the result of the election?

A. I did not.

Q. Did you not know, or believe at least, that such a statement, if true, would, if laid before the Legislature, have defeated Mr. Ingalls for U. S. Senator?

[At this point Mr. Hall objected to this course.]

A. I believed that it would have had an effect.

Q. Why did you not make that statement public?

A. At the solicitation of Mr. Hossack.

Q. Was there any other reason?

A. No, there was no other reason.

Q. Why, then, did you not at once return the document to Mr. Hossack?

A. He did not ask its return at that time.

Q. Was there any other reason?

A. No.

Q. Did you return it to him when he first asked you for it?

A. I did not.

Q. Why?

A. I did not have it with me when he first asked me for it.

Q. And that is the only reason for that?

A. That was the only reason.

Q. Between the time he asked for the surrender of this paper and its final surrender, did you make or permit anyone to make a copy of it?

A. I did not make a copy. I showed it to Mr. Shaw, and I think he took a pencil copy of it.

Q. Was the letter you received from Mr. Hossack demanding the surrender of this statement, in answer to a letter from you to him?

A. I don't recollect as to dates. I don't think it was in response. I had written him a letter previous to receiving his.

Q. Did you on the 8th of February, 1879, write a letter to J. A. Hossack, containing this statement: "I can make that thing all right, and more too, from parties wanting the investigation, and I want you to say to Jim Merritt that he must make good his words at once?"

A. I presume I did. I don't recollect the exact wording of the letter.

Q. Did you at that time have in your possession Hossack's statement?

A. I did.

Q. Explain, once for all, and as fully as you desire, what you meant by such language.

A. I referred to the negotiations of the papers that Mr. Merritt had promised to take. That is all the explanation I desire to make.

Q. Before you had written this letter, had Mr. Merritt used harsh and abusive language to you?

A. He had.

[Witness states that notes Nos. 1 and 2, in Mr. Merritt's testimony, are in his handwriting.]

FRANK PLAYTER.

TOPEKA, Feb. 22, 1879—8.30 P. M.

Committee met pursuant to adjournment. Present: Randolph, chairman, Hartshorne, Callen, and Keller.



## TESTIMONY OF E. W. MAJORS.

E. W. Majors, having been sworn, testified as follows:

*Question, by the chairman:* State your name, residence, and occupation.

*Answer:* E. W. Majors; Girard, Crawford county, Kansas; farmer.

Q. Are you a member of the House of Representatives of this State? If so, of what county and district?

A. I am. I represent the Thirty-ninth District.

Q. Are you acquainted with James A. Hossack?

A. I am.

Q. Is he a member of the House of Representatives? If so, of what county and district?

A. He is. From Crawford county, Fortieth District.

Q. State whether you have ever seen a statement, signed by J. A. Hossack, and witnessed by E. H. Brown, in which Hossack stated that he had received money to vote for Mr. Ingalls for U. S. Senator.

A. I have.

Q. When and where?

A. I saw it in Girard, Thursday night, February 13, 1879.

Q. Are you familiar with the handwriting of Mr. Hossack and Mr. Brown?

A. I can't say that I am familiar with the handwriting of Mr. Hossack, but it is my opinion that the signatures were in the handwriting of Mr. Hossack and Mr. Brown.

Q. In whose handwriting was the body of the instrument written?

A. In the handwriting of Mr. Frank Playter, of Girard.

Q. Have you a copy of that instrument?

A. I have what was given to me by Mr. Playter for a copy of it. I have read the original, but I never compared them. I believe this to be a copy of the original, [witness produces copy of instrument,] as follows:

TOPEKA, KAS., January 30, 1879.

I hereby certify that, as a member of the Legislature of the State of Kansas, I was approached personally by John J. Ingalls, for my vote, and was offered money provided I would vote for him. The sum agreed upon was one thousand dollars (\$1,000)—five hundred to be paid down, and five hundred the first of March. I was referred by Mr. Ingalls to J.

Merritt and J. Wilson, who paid me the five hundred dollars, and Mr. Ingalls agreed to pay the remaining five hundred the first of March.

J. A. HOSSACK.

(Witness to this signature,) E. H. BROWN.

Q. What conversation, if any, have you had with Mr. Hossack concerning this instrument?

A. I met him last Thursday, and he asked me if I had heard anything about the report that he had signed a paper with reference to his selling out his vote for Senator. I told him I had. He remarked that if Frank Playter and Brown gave him away he would make it hot for them. That is the only conversation I have had with him on the subject. He told me at that time that he got back the night before about 2 o'clock.

Q. State whether you have heard any member of the House say that he had received or been promised any money for his vote for U. S. Senator at the late Senatorial election.

A. No, sir; I have not.

Q. Do you know of any money or other thing of value having been offered by any of the late Senatorial candidates to secure or influence any vote or votes for U. S. Senator, to any member of the present House of Representatives, or other person?

A. I do not.

E. W. MAJORS.

Committee met at 7½ o'clock P. M., pursuant to adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Callen, and Keller.

#### TESTIMONY OF F. M. SHAW.

F. M. Shaw, being sworn, says:

My name is F. M. Shaw. I reside at Paola, Kansas; have lived there since 1869; am a banker and broker.

*Question:* Were you in this city during the late Senatorial election?

*Answer:* I was; I came here the Tuesday previous to the election of Mr. Ingalls, and remained till Friday, after the vote.

Q. State what you know, if anything, concerning the payment of, or the offer or the promise to pay, money or other valuable consideration to any member of the present House of Representatives of this State, to influence his vote in the late election for U. S. Senator by the Legislature of this State.

A. I came here to help Maj. Simpson. I had a talk with Mr.

Frank Playter, and Ed. Brown, of Girard, Kansas. I asked Mr. Playter if he could not help us some in the election of Mr. Simpson for U. S. Senator. He told me that he didn't know why he should do it, as Ben. was not a very particular friend of his. This was on Tuesday. On Wednesday, the 29th, I had another conversation with Mr. Playter, in which he said probably Mr. Majors would vote for Mr. Simpson, but that he didn't think he could get Mr. Hossack. I asked him why. He said that Mr. Hossack was fixed. I wanted to know what he meant, and he told me that he had received Mr. Ingalls's money for his vote, and was going to vote for him. I asked him how much. He said a thousand dollars, but had only got \$500 in cash. The next day, Thursday, I had another conversation with Mr. Playter and Mr. Brown, and asked them if there was no way to get Mr. Hossack for Ben.; that I thought perhaps if Ben was elected we could get some good contracts through him. He replied, "I don't think there is any show, because he has already got the enemy's money in his pocket." I said to him, "If that is a fact, can't you get him to put it down in writing?" He said, "I think so; but why do you want it?" I said, "If Mr. Ingalls is elected, and we have a piece of paper of that kind, it would be worth considerable money." He said, "Why? and how much?" and I told him it would be worth more than \$500 to me. He asked me in what way. I told him I thought it would be a good thing in helping me to get done what Mr. Plumb did for Mr. Hood. I told him that I had heard that Mr. Plumb had sent Mr. Hood a cattle contract which they had made \$20,000 out of without turning their hands. He said he had no doubt but what he could get it, and he and Mr. Brown started off. I went to the State House that night. I saw Mr. Playter again the next morning, Friday, the 31st. I asked him if he had the paper signed, and he told me he had, with Ed. Brown as a witness to it. Sometime during the last three days of the canvass, Mr. Playter took out some money out of his vest pocket and told me that there was a part of the money that Mr. Hossack got. I think he had two \$100 bills and two \$20's and a \$10. The next week, Mr. H. M. Holden, of Kansas City, was at my house in Paola, and during his stay there this Senatorial matter came up. We were talking over the fact of Mr. Hossack getting money and giving it to Mr. Playter. Mr. Holden remarked how

many channels a little bit of money will go through. He said Mr. Hossack paid Mr. Playter a debt, and Mr. Playter paid me a little debt that he was owing me, and said that he got the same money or a part of it. On the third of this month, a gentleman came to my house, and I took him to Crawford county to show him a farm I had down there. That evening I was at Mr. Playter's office, and I said to him, "Well, Frank, I have not seen you since we got beat at Topeka." He said, "No." I said to him, "If you had got Hossack to vote for Horton, he would now be U. S. Senator instead of Ingalls." He said, yes, he wished he had. I asked him if he had the paper still that Hossack signed. He said he had. I asked him to let me see it; he did so. I read it that time, and knew the signature of Mr. Hossack, also that of Mr. Brown. The instrument was in the handwriting of Mr. Playter; it was on one of the letter-heads of the Tefft House. That was the original paper, and the first time that I had seen it. I am not acquainted with Mr. Hossack personally; I only heard that he was a commercial man; I mean by that, that he was always ready to trade or sell out.

F. M. SHAW.

TESTIMONY OF E. H. BROWN.

TOPEKA, February 27, 1879.

E. H. Brown, being duly sworn, says: My name is E. H. Brown; I reside at Girard, Kansas; I am railroading.

*Question:* State whether you are acquainted with James A. Hossack, a member of the House from Crawford county.

*Answer:* I am. I have been personally acquainted with him about one year.

*Q.* And with Frank Playter and E. W. Majors, of Girard, Kansas, and F. M. Shaw, of Paola?

*A.* I am with Playter and Majors, and have met Mr. Shaw several times.

*Q.* Were you in Topeka during the late Senatorial election? and if here, from what time to what time?

*A.* I can't give the dates, but I was here about a week during the contest, and stopped at the Tefft House, and roomed with Frank Playter.

*Q.* Did you see James A. Hossack during the time you were here?

*A.* I did, often.



[There is now read, from the evidence of E. W. Majors, copy of a statement purporting to have been signed by J. A. Hossack, and witnessed by E. H. Brown, at Topeka, Kansas, Jan. 30th, 1879, in which statement the said Hossack purports to have certified that he had received \$500, and the promise of \$500 more on the 1st of March, to vote for John J. Ingalls for U. S. Senator; that he (Hossack) was by Mr. Ingalls referred to J. Merritt and J. Wilson, who paid him the \$500, and promised him the other \$500 on the 1st of March, 1879.]

Q. State what you know concerning the above statement, and about your signature thereto.

A. I was not in the room when the paper was drawn up; when I came into the room the paper was handed to me, and I was asked, "Whose signature is that?" I said, "J. A. Hossack," and witnessed his name on the paper. Mr. Hossack was not in the room at the time; Mr. Playter handed me the paper. I don't think I ever read the paper; the main subject was given to me at the time. I knew the signature of Mr. Hossack, and therefore signed the paper as a witness to it. The paper to which I refer was the only paper I witnessed while I was in Topeka. As soon as the paper was handed to me, I knew the signature, and just signed it as a witness to the signature; the paper was open when handed to me.

Q. State what you have heard Hossack say, if anything, concerning money which he had received or which he could get for his vote in the Senatorial election.

A. He told me that he had got or could get money for his vote in the Senatorial election.

Q. When did he tell you this?

A. Sometime between the 25th and 30th days of January, 1879. I don't remember that he told me how much money he had received or could get for his vote. I think he told me that he could get the money from Ingalls or his friends, or from both parties.

*(By Mr. Keller.)*

Q. State whether you were present at the time Hossack signed the paper.

A. I was not.

Q. You may state whether Playter at any time stated to you

what influence he brought to bear, if any, on Mr. Hossack, to induce him to sign said paper.

A. I don't know that he ever did.

Q. Did Mr. Playter say to you or in your hearing, what he expected to do with that paper?

A. I don't know that Playter ever told me what he intended to do with the paper; nor I never heard him tell anyone else what he intended to do with the paper. E. H. BROWN.

FEBRUARY 27, 1879—7:30 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Keller, Callen, Hartshorne, and Hall.

Upon motion of A. L. Williams, attorney for Mr. Jas. A. Hossack, Mr. Frank Playter was recalled as a witness, for the purpose of a cross-examination.

TESTIMONY OF JAS. A. HOSSACK.

Jas. A. Hossack, being present, was duly sworn and examined, and testified as follows:

*(By the Attorney.)*

*Question:* What day did you come to Topeka as a member of the Legislature?

*Answer:* January 11th, 1879.

Q. When you came here did you have any preference for U. S. Senator?

A. I did.

Q. Who?

A. John J. Ingalls.

Q. How soon after your arrival in Topeka did you call upon Mr. Ingalls, and where?

A. I can't give the date, but it was soon after his arrival. I went to his rooms upon invitation, and had a talk with him.

Q. What, if anything, did he say to you upon that occasion about your vote for U. S. Senator?

A. He said that he was glad to see me; that Mr. Ping had told him that I was favorable to him. I told him that I was, and expected to vote for him.

Q. Did you have any further conversation with him at that time in regard to your vote?

A. I did not.

Q. Did you ever ask, demand or request from Senator Ingalls, at any time, any reward, official, pecuniary or otherwise, in consideration for your vote for him for Senator?

A. I did not.

Q. Did you ever sign a statement to the effect that you had?

A. I believe that I did.

Q. Did Mr. Ingalls ever offer you any reward, pecuniary, by way of appointment to office, or in any other manner, for either your vote or your influence in his behalf?

A. He did not.

Q. Will you produce the document, for the inspection of the committee, which you signed?

A. I will.

[Produced document, which was read, it being the same as the copy in the testimony of E. W. Majors.]

Q. Do you know positively when you signed that paper?

A. I do not.

Q. Did you sign it during the day-time or night-time of Thursday, January 30th, 1879?

A. I did not.

Q. Where were you on the night of January 30th, and with whom?

A. I was in the company of Col. C. G. Hawley and A. J. Vickers; I was in their company after supper. We went to the theater with Mr. Playter and Mr. Brown. I think we stayed at the theater until the theater was out. I returned from the theater to the Tefft House, in the office, with those gentlemen. I was around there some time with the crowd; I was not in the company of those gentlemen any more in particular. I stayed there probably an hour or two. I went to the Capitol twice, sometime between one and three o'clock, alone. I returned to the office of the Tefft House, and remained with the crowd until about four o'clock in the morning. I then went to my room at Judge Holmes's. I went from the Tefft House alone. My colleague, Mr. Majors, my room-mate, was just coming into the gate as I went into the door, and I left the gate open for him.

Q. Were you in Mr. Playter's room that night?

A. I was not.

Q. Were you in any room in the Tefft House that night other than the office and bar-room?

A. I think I may have been in Mr. Ingalls's room the early part of the evening; I won't say certain.

Q. In any other rooms?

A. No, sir.

Q. Were you alone with Mr. Playter at any time that night?

A. I was not.

Q. Did you pay to Mr. Playter \$244, or any other sum, that night?

A. I did not.

Q. Did you attend a caucus Monday night preceding the Senatorial election?

A. I did not.

Q. Did you on that evening have a conversation with Mr. Playter and Mr. Brown, in which you stated to them that you intended to go to the caucus that night and vote for Mr. Ingalls?

A. I did.

Q. Go on and state all that took place during the rest of that night, so far as you can recollect the same, between you and Playter and Brown, or either of them.

A. I met them after supper. They asked me if I was going to the Republican caucus; they wanted to know who I was going to vote for if I went to the caucus. I told them I would vote for Mr. Ingalls. They endeavored to have me pair off with Charley Miller; said that he was sick, and didn't want to go to the caucus; and said that if I wouldn't go they would see Miller and tell him I said I wouldn't go. I told them that I wouldn't pair with him; that I had said that I would go and I should go. Mr. Playter said, "You are very foolish. If you will keep yourself unpledged, we can make some money for you out of this Senatorial election." I told him that money was no consideration to me. Mr. Playter said, "In your circumstances, it ought to be. It will help you to pay some of your bills, and that note I hold against you." I told him that he needn't fear; that the note would be paid. He said, "I have no doubt about that, but it will be an easy way to pay it." Mr. Brown said, "Well, let us all go and take a drink." I told him no, I didn't care about any. Playter said, "Yes, Jim; come and go and take a drink with me." I never knew of Mr. Playter's taking a drink before. I finally consented to go with them. We went into Zimmerman's, and we took a drink of whisky; I got drunk dur-



ing that night; I don't know how many drinks we did take; we went from there back to the Tefft House. While we were in there, Mr. Playter said, "Jim, you can do me a great favor by signing a document that will help me make a settlement with the State Treasurer." I said, "Frank, I will do anything I can to help you." One of them then said, "Well, let us go and take another drink." I said, "All right; I will take another drink, and then I will go to the caucus." I had no idea what time of night it was. Brown said, "I'll be damned if you are going to that caucus to-night." I said, "Yes, I will go as soon as I get another drink." We went to the same place, and took another drink, and stood there and talked some time. We then went back to the Tefft House; then we went to Poppendick's. We stood there and drank some time; I don't remember very much what happened after that; I don't know what time it was; I woke up during the night very sick, at my room at Judge Holmes's; Mr. Majors was there with me.

Q. Have you any recollection of signing this paper, heretofore produced?

A. I have no recollection of signing the paper, nor where, nor when.

Q. Could you have signed it upon any other than the night in question, without knowing it?

A. I don't think I could.

Q. Are the statements in that paper true?

A. No, sir; they are not.

Q. Would you, under any circumstances, have signed that paper, knowing its contents?

A. No, sir; I would not.

Q. When Mr. Playter said to you that evening that you could do him a favor by signing a paper concerning a settlement with the State Treasurer, did you know that he had a difficulty with the State Treasurer about a settlement?

A. I did not, until he told me that he had a settlement to make with the State Treasurer.

Q. Did he tell you what that difficulty was?

A. He did not.

Q. State what he said to you about his settlement with the State Treasurer.

A. I don't remember that he said anything about it at that time.

Q. Did he say he had the money to pay?

A. He did not.

Q. Did he state how he came to have this money?

A. He didn't say that he had the money; he said he had a settlement to make for the County Treasurer.

Q. Had you heard before that night that Mr. Playter had received from the Treasurer of Crawford county the money to make a settlement with the State Treasurer, and had not paid it over?

A. I had not.

Q. When did you regain possession of your statement—when, and where?

A. A week ago last Tuesday night, at Mr. Playter's bank, in Girard.

Q. Upon whose demand was that paper surrendered to you?

A. Upon my demand.

Q. When and from whom did you first learn of the existence of this statement?

A. I learned of Mr. Playter, on Thursday, the 30th of January; it was on the day of the night that Mr. Playter testified I signed it.

Q. Where were you when he showed it to you?

A. I was in a room in the Tefft House.

Q. What use did he propose to make of it?

A. He showed me the statement, or read it to me; held it up so that I could see my signature, and said, "There is your signature." I asked him to give it to me. He said, "No; I shall pay the State Treasurer \$3,000 with this paper." I asked him how he could do that. He said I should do it, through Mr. Ingalls or his friends. I said, "No; you shall not use it for any such purpose." In the meantime he had put it in his pocket.

Q. Did you demand the surrender of the paper at that time?

A. I did.

Q. At any of your various conversations with Mr. Playter, did he, claiming to act for any Senatorial candidate, offer or promise you money for your vote?

A. He did.

Q. What was the offer?

A. He said if I would consent to vote for Anthony all the time, he could get me \$1,000.

Q. Any other offer?

A. On the Friday that we elected Senator he told me that Horton's friends had \$15,000 to pay for votes, and that I might as well have some of it. He said that if I would go in and vote for Horton, that the minute my vote was taken he would hand me an envelope with \$500 in it. I refused all their offers; told them that I should vote for Ingalls. Mr. Brown was present at the last interview, I think.

Q. Have Playter, or Brown, or either of them, offered you inducements since the Senatorial election to testify that this statement was true? If yes, state when and where, and what the inducement was.

A. When I demanded this statement from Mr. Playter, since the Senatorial election, in Girard last Tuesday week, he said "Shaw has been down here, and he is very anxious to get this statement." He said that Shaw told him he would fix that \$3,000 matter for him in five minutes, if he would give him the statement and get me to swear that it was true, and he said, "There is money in it for you." I refused to have anything to do with it; I told him that I had come after the statement, and that I was going to have it. That was all the conversation I had with him at that time. He gave me the statement at that time.

Q. Did you have any similar conversation with Mr. Brown after the Senatorial election?

A. I did. Mr. Brown met me at the St. James Hotel, in Girard. He said, "Jim, I hear you are going west in the spring?" I said, "Yes; I have been talking of it." He said, "If that is the case, you had better take four or five hundred dollars along with you; Frank can get it for you (he meant Frank Playter), if you will make that statement all right." This is all the conversation I had with Mr. Brown. This was before I received the statement.

Q. Do you recollect the particulars of any conversation, if one took place, between you and Mr. Merritt at your seat in the House, at or about the time of the final vote for Senator?

A. We had no conversation. Mr. Merritt passed my seat, and said something to me that I did not catch. I made no reply.

Q. Mr. Playter has testified that you wrote him a note concerning this statement signed by you. Was this in response to a letter from Mr. Playter to you?

A. It was.

Q. Produce Playter's letter, and a copy of your answer thereto.

[Witness produced letter from Playter to him, and a copy of his reply thereto.]

MERCHANTS' AND FARMERS' BANK, }  
GIRARD, KAS., Feb. 6, 1879. }

J. A. HOSSACK—*Dear Sir*: I can make that thing all right, and more too, from parties wanting the investigation; and I want you to say to Jim Merritt that he must make good his word at once. See him, and let me know what he says. If he will take even \$2,000 on the property, at straight ten per cent., I will have new papers made out, and take a second mortgage for the balance myself. Write me on receipt of this.

(Signed) F. PLAYTER.

TOPEKA, Feb. 9, 1879.

MR. FRANK PLAYTER—*Dear Sir*: I saw Merritt, and he declines to do anything except on the basis he proposed to you. It is time you gave up that statement you so foully got from me, and I want you to send it to me. Yours, &c.,

(Signed) J. A. HOSSACK.

Q. Did you, on or about the 30th of January, 1879, pay Mr. Playter \$244, in satisfaction for a note of yours, held or controlled by him?

A. I did, taking a receipt for the same, which receipt reads as follows:

JANUARY 30, 1879.

Received of James A. Hossack, two hundred and forty-four (\$244) dollars, in full payment for a note of that amount, given November 15th, payable at Merchants' and Farmers' Bank, at Girard, Kansas. Said note to be canceled and returned to said Hossack.

(Signed) FRANK PLAYTER.

Q. Did you owe the note described in that receipt?

A. I did.

Q. Was it due?

A. It lacked a few days.

Q. Was it secured?

A. It was indorsed by my brother; no collateral security.

Q. When you made this payment, how much of your pay as a member of the Legislature did you have in your possession?

A. I drew \$91.50.



Q. Where, when, from whom, and under what circumstances, did you obtain the \$200 or less necessary to make up the amount you paid Playter?

A. I got it in one of Mr. Ingalls's rooms, on Monday night preceding the election of United States Senator, from J. S. Merritt. I went to Mr. Merritt, and said, "Jim, do you ever loan any money?" He said, "Sometimes." Says I, "You don't know very much about me, but I want to borrow \$200." I said, "Playter and Brown are up here, and are trying to get me to vote against Mr. Ingalls." I told him that I owed Mr. Playter a note of \$244, and says I, "If I can get the money to pay that, I will be under no obligations to them." He wanted to know what time I could pay him. I told him probably I could pay him in three or four months. I also told him I would give him my note for it. He stood a few moments, and said, "I guess I will let you have it, but I don't want any note." He then handed me \$200.

Q. Was that the same \$200 that you paid Mr. Playter?

A. It was.

Q. Who was present at that transaction besides Merritt and yourself?

A. I think Mr. Hallowell and Joseph Wilson. There may have been others, but I can't recollect.

Q. Was it agreed, suggested, or claimed directly or indirectly by anyone present at that interview that the loan of this money was in anywise to influence your vote for U. S. Senator?

A. It was not. I was in the Ingalls caucus on the Friday or Saturday evening before, and they counted me as one of the Ingalls men.

Q. Were you in and out of the Ingalls headquarters every day, and treated as one of the Ingalls men?

A. I was.

Q. Were you consulted by and in the confidence of the gentlemen who had Mr. Ingalls's interest in charge prior to the loan of this money?

A. I was.

Q. Did you ever receive from Mr. Merritt, by loan, gift or otherwise, any money other than the \$200 you have mentioned?

A. I never did.

Q. Did Jos. C. Wilson ever loan or give you any money for any purpose?

A. No, sir.

Q. Did Jno. J. Ingalls ever give, loan, offer to give or loan any money to you?

A. He never did.

Q. Did you ever have a conversation with Mr. Majors in regard to the statement signed by you?

A. Yes.

Q. In that conversation what, if anything, did you say about Playter and Brown?

A. I said to Mr. Majors that if Mr. Playter or Brown did me any dirt I would make it hot for them.

Q. For whom did you cast your first vote for Senator?

A. For Geo. T. Anthony.

Q. Why?

A. Simply to gratify some of my friends at Girard and from Girard; I had promised some of them to cast my first vote for him.

*(Cross-examination by Mr. Hall.)*

Q. Who were the men that had the interests of Mr. Ingalls in charge?

A. Briggs, member of the House, P. I. B. Ping, Hallowell, Jim Merritt, Geo. Peck, Byron Roberts, Joseph Wilson, Clark of Montgomery, Brown of Mitchell.

J. A. HOSSACK.

MARCH 7th, 1879.

By unanimous consent, the following telegram is hereto annexed:

OSWEGO, KAS., March 6th, 1879.

HON. J. A. HOSSACK: Your statement in regard to me loaning one hundred dollars on January twenty-eighth, eighteen seventy-nine, is true.

B. W. PERKINS.

Committee met in Mr. Callen's room, in the Tefft House, March 5th, 1879. Present: Messrs. Callen, Hall and Keller—Mr. Callen in the chair.

Mr. HOSSACK appeared before the committee, and testified as follows:

*(By Mr. Hall.)*

*Question:* State the denomination of the bills received by you

from the State Treasurer, when you received your first installment of pay as a member of the Legislature.

*Answer:* I don't know as I can say what denominations they were, but I think there was one fifty-dollar bill, but would not swear positively that there was a fifty.

Q. On your return to Girard, immediately after the Senatorial election, did you pay any debts?

A. I believe I did pay a few small debts.

Q. Give the amount of each, and to whom paid.

A. I paid a blacksmith bill of \$3 or \$4, and I believe I paid Mr. Barker \$5 on account. I don't remember any more.

Q. Did you pay any debts amounting to as much as \$4 or \$5?

A. I don't remember.

Q. Did you pay any debts other than those you just mentioned, amounting to \$10 or upwards?

A. I don't think I did.

Q. You would remember if you had?

A. I don't know as I would.

Q. Will you swear positively that you did not pay out, in Crawford county, on your return immediately after the Senatorial election, more than \$100?

A. I won't swear whether I did or not, because I don't remember.

Q. Then, for anything you now remember, you may have paid out over \$100?

A. Don't think I did.

Q. Will you testify to that matter positively?

A. I don't recollect what I did pay out then.

Q. What, if any debts did you pay in Topeka?

A. I paid Mr. Playter a note of \$244.

Q. Any other?

A. Nothing but a board bill of \$21.

Q. Did you pay no other bill or bills in Topeka?

A. No other, except that I paid Mr. Majors \$5 or \$6.

Q. Did you expend any money more than you have noted above?

A. Not more than \$2 or \$3.

Q. Had you any money at the time you paid Playter the \$244, other than the money received by you from Merritt and the \$91.50 that you received from the State treasury?

A. I had.

Q. State how much.

A. In the neighborhood of \$100.

Q. How long had you that money in your possession?

A. I don't remember.

Q. Did you get it before or after you were at Topeka to attend the session of the Legislature?

A. I got it after I came to Topeka.

Q. From whom?

A. I don't know that I have any right to answer that question.

Q. State from whom you received it.

A. It is a matter of business, and I don't know that I have any right to say who I got it from.

Q. State the amount that you received after you came to Topeka.

A. \$100.

Q. How long before you paid Mr. Playter the \$244?

A. I don't remember.

Q. Did you receive the \$100 before or after you received the \$200 that you received from Mr. Merritt?

A. I think it was after.

Q. Was it before or after you received your first installment of pay?

A. I think it was after.

Q. State in what house you received the \$100.

A. I don't know whether it was in a house or not.

Q. Will you swear positively that you received \$100 in a business transaction in this town, in the month of January, 1879, and that you do not recollect whether or not it was in any house that you received the money?

A. I will.

Q. Was it in the day or night-time that you received the money?

A. I don't remember whether it was in the day or night.

Q. Was it a check, bank bill or coin?

A. I think it was a \$100 bill.

Q. Do you know whether it was in one or more bank bills?

A. It was in one bill.



Q. How long after you received the \$200 from Merritt before you received the \$100?

A. I don't know when it was.

Q. Was it more than five minutes after you received that \$200?

A. I said I did not remember when I received it.

Q. Was it more than one minute after you received the \$200?

A. It was not at the time I received the \$200.

Q. Did you receive the \$100 in the same room in which you received the \$200?

A. I don't think I did.

Q. Did you pay Mr. Playter immediately upon receipt of the money?

A. I did not.

Q. How long after you received the \$200 from Merritt before you paid Playter?

A. I received the \$200 from Merritt on Monday, and paid Playter Thursday following; it was in the day-time that I paid Playter.

Q. Did you receive the \$100 before you paid Playter the \$244?

A. I think I did.

Q. State if this \$100 was received by you in a lawful business transaction.

A. It was.

Q. From whom did you receive the \$100?

[Mr. Hossack's counsel, A. L. Williams, insists that this question shall be answered in full.]

A. From B. W. Perkins, an old friend of mine that I knew in Illinois.

Q. Is it the B. W. Perkins who is now Judge of the Eleventh Judicial District, State of Kansas?

A. Yes.

Q. Did you receive the \$100 from B. W. Perkins in the city of Topeka, during the week of the Senatorial election?

A. I did.

Q. Was you sober or intoxicated at the time you paid Mr. Playter the \$244?

A. I was perfectly sober.

Q. Who was present when you paid him?

A. There was no one present but Playter and myself.

Q. State under what circumstances you received the \$100 from Perkins.

A. I told Perkins I was in a tight pinch, and wanted him to loan me \$100 if he could, and I would pay him as soon as I could. Says he, "Jim, I have known you a long time, and think you are perfectly straight, and that you will pay me the money." I don't remember whether he paid me at that time or not, but he gave it to me during the day. I think this was after I got the \$200 from Merritt, and drew my first installment of pay.

Q. State what urgent need you had for the \$100.

[Question objected to by A. L. Williams, Mr. Hossack's counsel, that it is not a proper cross-examination, and is incompetent, irrelevant, immaterial, and because all testimony except cross-examination of a witness who has already testified has been closed. Objection sustained by the chair.]

*(By Hossack's counsel.)*

Q. Were John J. Ingalls, J. S. Merritt and J. C. Wilson, or either of them, present when Judge Perkins loaned you the money?

A. They were not.

Q. Had that loan anything to do, directly or indirectly, with the Senatorial election?

A. It had not.

Q. Are you one of those men who keep accurate and systematic account of the payment of small debts?

A. I am not.

*(By Mr. Hall.)*

Q. If you cannot remember when this transaction occurred, or whether it was in a house or not, how can you remember who was present?

A. I did not say that any one was present; I do not recollect that any one was present.

Q. Do you recollect whether or not any one was present?

A. There might have been others present, but I don't remember that any one was present.

Q. If there were others present, would you recollect who they were?

A. I don't think I would; I took no notice of any one being present.

Q. Were you standing or sitting down at the time of the transaction with Perkins?

A. I could not say.

JAS. A. HOSSACK.

(Testimony of H. T. Anderson—continued from page 1127.)

MARCH 3, 1879.

H. T. ANDERSON, being recalled, testified as follows:

That the man Baker, whom I have mentioned in my testimony, is Capt. H. D. Baker, of Salina, lately appointed Sheriff of Saline county.

H. T. ANDERSON.

TOPEKA, FEB. 28, 1879—7.30 P. M.

#### TESTIMONY OF JOHN FRANCIS.

John Francis, being sworn, testified as follows:

I am the Treasurer of the State of Kansas.

*Question:* Do you know the Treasurer of Crawford county, and Frank Playter, of the same place?

*Answer:* I do.

Q. Please detail to the committee all that has occurred between you and Treasurer of Crawford county and Mr. Playter, with reference to a settlement of the County Treasurer with you as State Treasurer, and produce all correspondence between yourself and the gentleman mentioned in reference thereto.

A. On the 15th day of January Mr. Curtis came to my office and inquired if I had received a package of money for him. I told him I had not. He stayed in Topeka until the 17th. He then stated that the money would surely come; that he was on his way to Illinois, and when the money came for me to make out his receipts and send them to Girard. He at that time left with me \$1,000 that was to be added to the amount that was to come by express. I went on for several days, and not hearing anything from the package I sent my chief clerk to the express agent here in Topeka to try and hunt it up. The express agent in a short time reported to me that he could find out nothing about it. I wrote him the following letter:

OFFICE OF TREASURER OF STATE, }  
TOPEKA, KANSAS, Jan. 29, 1879. }

W. B. CURTIS, ESQ., *Treasurer Crawford County, Girard, Kansas*—*Dear Sir:* The package of money referred to by you when at this office, on the 15th inst., as having been by you ordered sent by express, has not been

received; neither does the express agent at this place know anything about the package. You had better have the matter looked up without delay.

Truly yours,

JOHN FRANCIS, *State Treasurer.*

In reply to that letter, I received the following:

OFFICE OF COUNTY TREASURER, CRAWFORD COUNTY, KANSAS, }  
GIRARD, Jan. 30, 1879. }

MR. JOHN FRANCIS, *State Treasurer, Topeka, Kansas*—*Dear Sir*: If you get nothing from me by four o'clock, Saturday next, please telegraph me, and I will forward the amount by express, Monday next.

Respectfully,

W. B. CURTIS, *County Treasurer.*

On the morning the Senator was elected (January 31st, 1879), Mr. Merritt came into my office and told me that Mr. Playter, from Girard, was here in Topeka, and had a note and mortgage he desired to negotiate, and that he (Merritt) would buy it if it was as represented by Playter; that Playter wanted it done at once, as the money was to be paid into the State treasury. Merritt said that he could not attend to it then—but would Monday or Tuesday do? I told him that it would, so far as I was concerned. Afterwards, Playter came into my office, together with Mr. Hossack, and asked me if I had seen Merritt. I told him that I had, and that Merritt said he would purchase his note, provided it was as Playter represented. Playter then asked me if I thought Merritt would do as he agreed. I replied that I had known Merritt some time, and had always known him to do as he had agreed. He then said, "Won't you take this note?" I told him I was not in that business. He wanted me to take it, and give credit to Crawford county. I told him that I had a big bond behind me, and that I was not in the habit of betraying my friends. Hossack said that he wished the matter could be fixed up, as he didn't want to see Curtis compromised. I understood from his language that he was looking after the interest of Curtis. That was all that took place at that time. On the 2d day of February, General Pratt handed me the following letter, in my office:

TOPEKA, KAS., January 30, 1879.

HON. JOHN FRANCIS—*Dear Sir*: I inclose you a note for \$3,000, which deliver to J. Merritt, Esq., on his payment to you of that sum. If not paid or arranged satisfactorily with you on Monday, advise me.

Yours truly,

F. PLAYTER.

In that letter was inclosed a note signed by Thos. Ping. It was past due. The note was for \$3,000. On the back of it were



some credits. Playter's name and the name of F. M. Shaw had been written on the back and had been scratched off; and Playter's name had again been written, and directly underneath were the words "without recourse" written smaller than the signature. Afterwards I saw Merritt; he informed me that the property was not what had been represented to him, and that he didn't want it.

In reply to Playter's letter, inclosing the note, I wrote him as follows:

OFFICE OF TREASURER OF STATE, }  
TOPEKA, KAS., Feb. 4, 1879. }

F. PLAYTER, ESQ., *Girard, Kansas*: Mr. Merritt left for home on Saturday. I am informed that he will return either to-day or to-morrow. He has done nothing in relation to your matter. Very respectfully,

JNO. FRANCIS.

On February 6th Playter came to my office. I then told him that Merritt had done nothing towards purchasing his note, and handed the note back to him. I telegraphed to W. B. Curtis about Monday that the money had not been paid, and in answer thereto I received the following letter:

GIRARD, KANSAS, February 4, 1879.

MR. JOHN FRANCIS, *Treasurer of State, Topeka, Kas.*: Your telegram of the — received. I showed it to Mr. Playter. He said, in explanation, that he had made positive arrangements that the money would be paid Saturday last, and seemed very much surprised that it was not. He left here last night for Topeka, and said that he would pay the money in to-day. If he does not, please make out my receipt and telegraph me, and I will send a man with the money immediately. I cannot come myself, on account of illness of my family. Hoping that all will be made satisfactory,

I am yours respectfully,

W. B. CURTIS.

P.S.—Please don't say anything about that I am going to pay this money, as I want to get it out of Playter if possible.

W. B. CURTIS.

When I delivered the note to Playter, which was after the receipt of the last letter mentioned, he said that he would have to make arrangements for the money, and pay it in the next week or the beginning of the week following, and asked me to give him a letter to the County Treasurer, stating that that would be all right. I told him I couldn't do any such thing; I had no authority to extend the time of settlement of the County Treasurer, but for him to get the money; after which I received the following letter from Mr. Morris, who is now investigating the books of the county treasury of Crawford county:

GIRARD, KAS., February 15, 1879.

JOHN FRANCIS, *State Treasurer*—*Dear Sir*: Mr. W. B. Curtis, County Treasurer, is very much annoyed by the delay on the part of Mr. Frank Playter in complying with an agreement to pay into your hands the amount due the State from this county. He is desirous to have them pay the amount due the State, as the funds, or a part at least, were placed in their (the bankers') hands for this purpose. This morning, Mr. Playter says that he expects Mr. E. H. Brown, Superintendent Joplin R. R., to pay you by to-day, and if that is not done, he will remit the amount from here Monday, the 17th inst. If this is done you will receive it by Tuesday, the 18th.

The money not being received as promised in that letter, I telegraphed to Mr. Curtis to that effect.

On last Saturday, February 22d, Mr. Playter handed to me a certified check upon the bank of Kansas City, for \$3,000. I sent the check to Kansas City, and collected it on the 25th, and issued the proper receipts to W. B. Curtis, Treasurer of Crawford county, and transmitted the same, together with the following letter:

OFFICE OF TREASURER OF STATE, }  
TOPEKA, KANSAS, Feb. 25, 1879. }

W. B. CURTIS, ESQ., *Treasurer Crawford County, Girard, Kansas*—*Dear Sir*: Inclosed herewith find receipt for taxes, 1878—\$4,500—in return for the \$1,500 left by you in this office, on the 15th ultimo, and \$3,000 collected on Mr. Playter's check, which said check was left here by him on Saturday the 22d instant.

I desire to say to you, and I do so with the best of feeling, that hereafter you had better attend to your own business, so far as its connection with this office and the State funds coming into your hands is concerned. If you do not desire to bring the money that you have collected due the State, express it yourself; then you will be sure to have it delivered on time, or, to say the least, have a responsible party to fall back on, and not be likely to put me to the bother and vexation that I have been put to in the present matter.

Very truly yours,

JOHN FRANCIS, *State Treasurer*.

This is all I know about this matter, I believe.

JOHN FRANCIS.

#### TESTIMONY OF J. S. MERRITT.

J. S. Merritt, being duly sworn, testified as follows:

I am acquainted with Mr. Hossack, a member from Crawford county. I first met him about the commencement of the session of the Legislature. He was introduced to me by Senator Ping I believe.

*Question:* Were you here during the Senatorial election as a friend of Senator Ingalls?

*Answer:* I was.

Q. Were you informed at your first interview with Mr. Hossack for whom he intended to vote for Senator? If yes, state fully.

A. Mr. Hossack was represented to me as a warm friend of Mr. Ingalls. I talked with him as soon as I met him, with the assurance that he was a friend of Mr. Ingalls. He told me he was ready to do anything that he could to contribute to Mr. Ingalls's success. I talked with him frequently afterward; he always expressed himself in the same manner. He was around our rooms continually, attended our caucuses, and was, I believe, universally regarded as one of his staunchest supporters.

Q. If you ever gave or loaned any money to Hossack, state the transaction in full.

A. During the progress of the fight, Mr. Hossack came to me (I think it was the fore part of the last week of the contest): he said to me that there was here a man from his town, giving his name—that name I don't recollect; that he owed him some money; that this man was bulldozing him to vote for Anthony, and hounding him nearly to death. He said, "I wish I could get rid of him; if I only had the money, I would pay him off, and I think he would go home." He said to me, "Can't you let me have \$200?" He says, "I can pay you back," and referred me to Senator Ping; that he would tell me that he (Hossack) was a man that would always pay his debts. I declined to loan him the money at that time, and told him I would see him again. I saw Senator Ping; I asked him about Hossack's pecuniary standing, and his integrity. He told me that Hossack was poor, but he believed that he would pay anything he agreed to. I then saw Joseph C. Wilson; we were in Room 21, in the Tefft House; it was the general headquarters of Mr. Ingalls's friends. I said to Mr. Wilson, "I am going to loan Hossack some money"—\$200, as near as I can recollect. He said, "Do as you damn please." I called Mr. Hossack over (he was in the room, and several other gentlemen). We three sat on the bed together. I told Mr. Hossack I had concluded to let him have the money, and gave him \$200. He said, "Let me give you my note." I declined to take his note. The reason I declined to take his note,

I thought his note was no additional security. I have universally regarded from, and my experience has taught me, that a man who is not solvent, his word is better than his note. Mr. Hossack is not the only man to whom I loaned money during that fight, and not the only man who has not paid me back, either. I loaned no man money, and gave no man money, who was not working for Mr. Ingalls's success, and who was not one of his pronounced friends. The money I loaned Hossack was my own.

Q. Did Mr. Ingalls know from you that you had loaned this money?

A. He did not.

Q. What is your financial condition?

A. I am in comfortable financial circumstances; whenever I want \$1,000 I know where I can put my hand on it.

Q. When did you first see the statement purporting to have been signed by J. A. Hossack, alleging, among other things, that he had received \$500 from J. Merritt and J. Wilson, to vote for Ingalls?

A. On the Wednesday succeeding the Senatorial election.

Q. Speaking for yourself alone, did that statement contain one word of truth, so far as you are concerned?

A. No; I never gave Mr. Hossack \$500, or any other sum, to vote for Mr. Ingalls for U. S. Senator.

Q. Who showed you that statement, the first time you ever saw it?

A. A man calling himself Frank Playter.

Q. State the circumstances fully.

A. On Friday, the morning of the election, Mr. Hossack said to me, in the presence of Mr. Playter, "I wish, if you can, you would help Playter; he is in trouble." Mr. Playter at that time said to me that he was in trouble with the State Treasurer; that their County Treasurer had deposited with him their county moneys; that the County Treasurer owed the State Treasurer \$3,000; that he (Playter) couldn't raise the money. He said, "I have a note and mortgage on the farm of Senator Ping's father; the note is for \$3,000; there is accrued interest at 12 per cent. from January 1st, 1878. The property upon which this mortgage is a first lien will cash for \$6,000. I will give you the note and mortgage for the \$3,000 to fix up this matter with



Francis." I said, "Mr. Playter, is this a political or a business proposition?" He said, "A business proposition, of course." I then said to him, "I will do that, if it is as you state. I will see Mr. Francis, and will arrange with him to hold your tax matter in advance until you can furnish me with the proofs of the value of that property;" that I would go and see Mr. Francis and make the arrangements. I went and saw Mr. Francis. Told him the agreement I had made with Mr. Playter; that if it was as he (Playter) said, I would furnish the money to pay up the \$3,000, and I asked Mr. Francis if he could let the matter rest until we could perfect the arrangements. He said he could; and I went that night. I asked Senator Ping about the value of that property and the condition of that mortgage. He said the property was not worth \$6,000, and that there was only about \$1,800 due on the mortgage, and that it was past due. The next day I saw Mr. Playter. He said to me that he wanted to fix up that matter that we had talked about. I told him I understood the note was past due; that he would have to get a new note and mortgage covering the \$3,000 and interest; that I would be down the first of the following week, and we could close the matter up. The next Tuesday morning, I returned to Topeka, at six o'clock in the morning. In talking with Wilson that day, I told him that I had to fix up a matter with John Francis for Playter. He said, "Jim, I wouldn't do it." I said I had promised Mr. Francis that I would do it, and I would do it if it takes the hair off. He said, "Do you know that that son of a bitch has tried to blackmail Mr. Ingalls, and is trying to blackmail you?" I said, "What do you mean?" He then told me of this statement, purporting to be signed by Mr. Hossack. On the next morning, Frank Playter came to my room, No. 94, in the Tefft House. He said, "I have come, now, to close up that matter." He handed me a certified transcript of the record of a mortgage, and said he didn't have the note with him. I was lying on the lounge; he was sitting in a chair by my side. I said, "Mr. Playter, I understand that you have a statement, signed by Mr. Hossack, stating that I paid Hossack money to vote for Mr. Ingalls." He said he had. I asked him if he had it with him. He replied, "I have." I said, "Let me see it, will you?" He took it out of his pocket and handed it to me. I read it, handed it back to him, and said, "Mr. Playter,

I wish you would put that in the stove." "I can't." "I thought this was a business proposition." He said it was. I said, "Mr. Playter, my relations with Mr. Ingalls are such that to deal with you, with that paper in existence, would be a confession of its truth." He said, "I can't. I have agreed to return it to Hossack." I said, from the nature of that statement, and the relation of Mr. Hossack and myself to it on its face, that if I should tell Mr. Hossack that that paper was destroyed, he would believe it. He said, "If I destroy this paper"—and looked at me with an evil leer upon his countenance—"you and I might not agree upon the terms of that contract between us." I then got off the lounge. I said, "Do you mean to blackmail me, sir?" He said, "No." I went up to him; I said to him, "I think you are a blackmailing son of a bitch." I put my hand upon him in anger. I said to him, "I have a mind to pitch you out of that window, on the pavement." I said, "Don't you ever talk to me again about this business, until you are ready to destroy that statement. Bring me a retraction from Mr. Hossack, and a statement of your own, in your own handwriting, that this is a lie. I wish, sir, you would leave my room." I said, "For Mr. Francis's sake, I would like to fix up that mortgage matter. Were it not for my word to him, I would refuse to do business with you upon any condition." He said, "I don't want you to get mad; I want to see you again." I said, "You can see me this afternoon at two o'clock, if you are ready to comply with the conditions that I have named." I purposely avoided him, and did not see him any more that day. I gave up my room to Mr. Legate and his family, and took another room. That night, Mr. Wilson slept with me. I slept late the next morning; about nine o'clock Mr. Playter came to my room, and said, "I want to go away on the train to-day noon." I said, "You can see me any time you are ready to fulfill the conditions I named." I then got up, came over here to this restaurant (the corner one); I returned after breakfast to the Tefft House. I looked in my box, and found these two notes from Mr. Playter:

[No. 1.]

HON. J. MERRITT: I called on time, but did not find you. Will be back in one hour—say half-past four—when, I trust, all can be arranged smoothly.

FRANK PLAYTER.

[No. 2.]

J. MERRITT: Will see you at half-past ten, if you desire. If not at

Tefft House at that time, I shall take it for granted you do not wish to keep your promise—a conclusion I should be sorry indeed, as a would-be friend, to reach. Hoping to see you at that time, and that we may have a satisfactory understanding,

I am, yours, PLAYTER.

I hadn't much more than read these notes, when I met Mr. Playter at the foot of the stairs, at the Tefft House. He said, "You had better fix this matter up, for I tell you I can get more money for that statement on the other side." I said, "Go and get it, you damned blackmailing scoundrel, as quick as you can; our interviews are over." I walked up-stairs, and saw the gentleman no more.

J. S. MERRITT.

#### TESTIMONY OF P. I. B. PING.

TOPEKA, March 4, 1879—2:30 P. M.

My name is P. I. B. Ping. I am Senator from Crawford county, Thirteenth Senatorial District. I know J. A. Hossack and Frank Playter, of Girard.

*Question:* Do you know who J. A. Hossack preferred for U. S. Senator before his (Hossack's) election, after his election, and during the Senatorial fight in Topeka? If you do, state what you know about it, and how.

*Answer:* Mr. Hossack told me before he was nominated, after he was nominated, before he was elected and after he was elected, that he was for John J. Ingalls for U. S. Senator. I was a supporter of John J. Ingalls, and know that Hossack was treated and considered by Mr. Ingalls and his friends and supporters as an Ingalls man, and attended the Ingalls caucuses as an Ingalls man.

*Q.* Did you ever promise Frank Playter that you would try to get Senator Ingalls to take up, pay off, or take care of your father's note and mortgage?

*A.* I did not.

*Q.* Mr. Playter says that you suggested this plan to him. Is it not a fact that he urged it upon you? If yea, what did you say, and in what way did you receive his proposal?

*A.* He suggested to me, sometime during the month of December, 1878, that before I would vote for John J. Ingalls for U. S. Senator, that I would have him secure a loan for Playter on the mortgage held by him on my father's property. I told him I wouldn't have anything to do with it. In fact, I never did.

Q. Did you request him to bring that note and mortgage to Topeka?

A. I did not.

Q. If he said anything to you at Topeka upon this subject, state it fully.

A. He did, on several occasions after arriving in Topeka, and I told him emphatically I wouldn't have anything to do with it.

Q. Was his proposition to you on this subject a manifest attempt to force Senator Ingalls to pay for your vote? And if you so considered it, state the language you used to him in denouncing his proposal.

A. I did consider it a proposition of that kind. I told him I wouldn't have anything to do with him upon the proposition, and it was a very bad time for him to approach me, to take advantage of my position as Senator, and that I was an Ingalls man from the beginning.

Q. What is Mr. Hossack's character for truth and honesty in the community in which he resides?

A. It is good.

Q. What is the general reputation of Frank Playter, for truth and veracity, in Girard?

A. It is not very good.

P. I. B. PING.

#### TESTIMONY OF J. R. HALLOWELL.

J. R. Hallowell, being sworn, testified as follows:

My name is J. R. Hallowell. I am Senator from Cherokee county, Fourteenth Senatorial District.

*Question:* Do you know who J. A. Hossack preferred for U. S. Senator before his (Hossack's) election, after his election, and during the Senatorial contest? If you do, state what you know about it, and how.

*Answer:* I do. I know that he was for John J. Ingalls, as he expressed to me, prior to the election of 1878. I was in Crawford county, which is the home of Mr. Hossack, and was introduced to Mr. Hossack by a friend of his, and during our conversation I asked him, if he were elected, who he would support for U. S. Senator. He told me that he would vote for Mr. Ingalls. On the evening of the 10th of January, '79, as I was on my way to Topeka, Mr. Hossack came aboard of the train at Girard, and we traveled together. A short time after he came



aboard of the train, I took a seat alongside of him, and commenced a conversation on the Senatorial question, by telling him what I considered the strength of Mr. Ingalls was, and he assured me in that conversation that he should vote for Mr. Ingalls; and further, requested me not to say anything about it publicly; that he thought by being a little offish that he might induce Mr. Majors, the other member from that county, to go with him to Mr. Ingalls. We had two or three conversations to the same purport between Girard and Topeka. Mr. Hossack was recognized by myself as a friend of Mr. Ingalls, and by Mr. Ingalls's friends generally, and was talked to and consulted with and taken into caucus with us.

Q. Were you present in Room 17, at the Tefft House, when J. S. Merritt loaned J. A. Hossack \$200?

A. That I can't say. I was in Room 17, in the Tefft House, and 21, both of which were occupied by Mr. Ingalls's friends, many times when Mr. Hossack and Mr. Merritt were present; saw them talking together; had conversations with them. I recollect one evening, when Mr. Merritt, Mr. Hossack and Mr. Wilson were sitting on the edge of the bed, and I was lying full length about the middle of the bed; we were there as Mr. Ingalls's friends, awaiting developments.

Q. During the Senatorial caucus, did you borrow any money from J. S. Merritt?

A. I did; I went to J. S. Merritt and borrowed \$25, and never gave my note for it.

Q. Did Mr. Hossack voluntarily explain to you why he gave his first vote for Geo. T. Anthony? If so, what was the explanation?

A. Mr. Hossack came to me and said that he didn't want us to think anything strange if he should vote for Mr. Anthony; that it wouldn't hurt Ingalls at that time, and he could vote for Anthony and pacify Mr. Playter and some others down there who wanted him to vote for Anthony; and assured me that he would come to Ingalls, if needed on that day.

J. R. HALLOWELL.

TESTIMONY OF JOSEPH C. WILSON.

Joseph C. Wilson, being sworn, testified as follows:

My name is Joseph C. Wilson.

*Question:* Have you seen the Hossack statement?

*Answer:* I have.

Q. So far as you are affected, and so far as you know, from any source whatever, is there one word of truth in that statement?

A. There is not.

Q. Were you present when J. S. Merritt loaned Hossack \$200?

A. I was.

Q. State fully what occurred at that time.

A. As near as I recollect, it occurred in this way: I was in Room 21, Tefft House, one of the rooms known as "Ingalls headquarters," during the contest in the Senatorial election—Mr. Hossack, Mr. Merritt, Senator Hallowell and myself, and perhaps some others; and Mr. Merritt and Mr. Hossack were sitting on one of the beds in that room, and were talking together, and they were talking about some money matters. The first thing I remember definitely as being said by either one of them, Mr. Merritt says, "I will loan you the \$200 you asked me for," and handed him some money. There was nothing secret about it; it seemed to be an ordinary business transaction. The doors were not locked; there were other people in the room, and they were passing in and out. There were two beds in the room, within five or six feet of each other. There were other parties sitting and lying on the other bed. I don't remember who they were, but there were other parties in the room outside of that.

Q. Did you furnish any part of the money loaned to Hossack?

A. I did not.

Q. Was Mr. Merritt's pecuniary condition such that he could afford a loan of that amount without embarrassment to himself? In other words, is Mr. Merritt a man of means?

A. I should say he was a man of means, from my knowledge of his circumstances, obtained from various parties residing in Pottawatomie county. I should say he was worth at least \$30,000, and could make such a loan without embarrassing himself.

Q. When and where did Playter first show you the Hossack statement?

A. On Friday morning, before the last ballot was taken for U. S. Senator, and at the room in the Tefft House I supposed to be his own.

Q. State fully what occurred at that time between you and Playter.

A. Well, on Friday morning (the morning referred to above), about ten o'clock, as near as I can recollect, some one came to me and said that Mr. Ingalls was anxious to see me immediately. I went as soon as I could into the room that opens off the Tefft House parlor, and found Mr. Ingalls there. Mr. Ingalls said to me, that a man by the name of Playter had just been there in his room, and tried to blackmail him out of \$3,000. He said that Playter had presented a paper to him, purporting to have been made and signed by Mr. Hossack, to the effect that he (Mr. Ingalls) had offered him a thousand dollars, and referred him to Merritt and Wilson; and that if he (Mr. Ingalls) would take up a certain mortgage he had on Senator Ping's father's homestead in Girard, Kansas, the paper would be destroyed, or that if he would give him \$3,000 the paper would be destroyed, and the matter hushed up. I immediately started out of the room to find Mr. Playter, to whom I had been introduced by Mr. Ed. Brown a day or two before. I found him shortly after, and told him I wanted to see him; he invited me up to his room, in the Tefft House. We went up to his room, and as soon as we had been seated, I said to him that I had understood that he had a statement from Mr. Hossack; that I would like to see it. He showed me the statement above referred to; I read it over, and asked him the object of getting and presenting that statement. He said it was purely a matter of business; that Senator Ping, from his county, had not treated him right since he had been here, and went on to state about the mortgage he had on Senator Ping's father's homestead; that Mr. Ping ought to have helped him have it taken up, and he had not done so; and that he had secured this statement for the purpose of aiding himself in that direction. I suppose I got a little angry at the time; I don't remember exactly what I said, only that I called him a black-mailing thief, and told him that that was the only object he had in getting and presenting that statement. He went on to say that that matter of his ought to be fixed up at once; that if we didn't do it, it would be the worse for us. I used some violent language towards him, and told him I would have nothing more to do with him, and got up and left.

JOSEPH C. WILSON.

FRANK PLAYTER, being recalled, testified as follows:

*Question by Mr. Hall:* State if you know positively the time that Mr. Hossack signed the statement.

*Answer:* It was signed on the night of the date it bears, January 30th, 1879.

Q. State if you are positive in that matter.

A. I am; there can't be any mistake.

Q. State what condition Mr. Hossack was in in regard to being intoxicated.

A. He was perfectly sober. We had been to the theater together, and came back to the Tefft House.

Q. State if he had ever signed any other statement of a like nature.

A. He did not. There was never any question of a written statement between us prior to the Thursday night. He had repeatedly given me the information verbally that was then reduced to writing.

Q. Had you ever asked him to give you that statement in writing before that night, January 30th, 1879?

A. I had not.

Q. Were you not with Mr. Hossack on the Monday night preceding the Senatorial election?

A. I was not, after six o'clock that evening; I did not see him again that night.

Q. Were you at Poppendick's saloon with him that Monday night?

A. I was not at any saloon or bar with him on Monday or Monday night.

Q. Did you see him drink any whisky on that Monday night preceding the election?

A. I did not.

Q. Did you, on that Monday night, have any conversation with him with reference to his making a written statement concerning the offer of money for his vote?

A. I did not.

Q. Did he make and declare to you any written statement on that night?

A. He did not.

Q. Did you, at any time prior to the election of U. S. Senator,



on the 31st day of January, 1879, offer or promise Mr. Hossack any money to vote for George T. Anthony for U. S. Senator?

A. I did not.

Q. Did you, on the Friday that the Senator was elected, tell Hossack that Horton's friends had \$15,000 to pay for votes, and that he might as well have some of it?

A. I did not.

Q. Did you tell him, at any time, that if he would go in and vote for Horton, that the minute his vote was taken you would hand him an envelope with \$500 in it?

A. I did not.

Q. Have you, at any time, offered or promised to pay Mr. Hossack any valuable consideration to testify falsely respecting the matter of the payment of money for his vote?

A. I have not.

Q. The \$244 that Mr. Hossack paid you—was it paid you at the same time that this statement was written and signed?

A. It was at the same time and place, the same pen and ink, and on the same paper; the statement was written on a full sheet of Tefft House letter-head, and the receipt on the lower part of a similar sheet, with the heading torn off.

Q. I will ask you whether or not, on the 30th day of January, 1879, you held any paper bearing the signature of Mr. Hossack, which he then and there asked you to give to him, and you said, "No; I shall pay the State Treasurer \$3,000 with this paper"?

A. I never had any such conversation with Mr. Hossack; there never was any such paper in existence till late on the night of the 30th of January.

Q. I will ask you if any person has offered you any consideration, of any kind or character, to testify falsely before this committee?

A. There has been no offer of any kind concerning my testimony before this committee. I was solicited, at Girard, by Mr. Shaw and Mr. Majors, to furnish the original statement, but I refused to do it.

Q. Has any person ever offered you any sum of money for that written statement?

A. There has not. On the morning of the Senatorial election, after the interview I had had with Mr. Ingalls and Mr. Wilson, Mr. Hossack came to me and said Mr. Merritt was terribly

frightened, and had made threats to him that he couldn't live in this State if he went back on them. He said that Merritt told him that he would arrange to take that paper of mine, and I accompanied him (Hossack) to the State House, where we met Mr. Merritt in the hall or main entrance. He (Merritt) was very much excited, and said, "Can't you take my word that this matter will be fixed up?" I told him he could arrange the matter with Mr. Francis. He stepped into Mr. Francis's room, came back in a moment, and told us to go in and see Mr. Francis. We did so, and Mr. Francis said that matter with Mr. Merritt would be all right. I asked him if he would give me a receipt, and take Mr. Merritt's word for taking up the papers. He said he couldn't do that, but anything that Mr. Merritt told me would be all right. I then asked him if the payment from our county could wait Mr. Merritt's action, and I told him that I was to pay it, and that unless it was perfectly satisfactory I would telegraph the funds from Kansas City that afternoon. He said that it could remain, and that he would give our Treasurer no trouble about it until Mr. Merritt fixed it up. He repeated this to me later in the afternoon, when I called on him and asked him about it. On leaving Mr. Francis's room at noon, we met Mr. Merritt, and he wanted to know if that was all right. I told him that Mr. Francis refused to assume the paper, and started up stairs. He became very much excited, and said, "Good God, boys, can't you take John Francis's word that I will do what I say? I dare not go back on a promise of that kind." He begged of us to accept his word, and I returned with him to the Secretary of State's room, and remained there during the final ballot by which Mr. Ingalls was elected. Mr. Merritt told me in the afternoon to leave the papers (the note and mortgage) with Mr. Francis; that he would take them up on the following week. I met Mr. Merritt at the Tefft House, and he invited me to his room. I think it was on Wednesday. He examined the abstract of the property; said at the same time he wanted to see a statement I had of Mr. Hossack's. I showed it to him; he returned it and ordered me to put it in the stove, saying I could have done so if I had been a mind to. I told him I should not do it; that it had nothing to do with his promise to me; that I should keep it. He became very angry; said that he would compel me to do it; came across the room in a

violent manner, threatening me with violence, and said, "No man could live and hold that paper." I told him that I expected to hold that paper, and expected to live; that he couldn't bulldoze it out of me. He then said that he was too angry to talk to me; but that he would go and see Mr. Wilson, and asked me to meet him at his room at three o'clock. I called at that time; he was not in; I left the note referred to in his testimony in the office for him. I called again twice, but did not see him until evening. In the evening he told me he and Wilson wanted to see me in their room. I called at the room twice in the evening, but could not find them. I returned home the next day. We had no such conversation as the following: He said, "You had better fix this matter up; for I tell you I can get more money for that statement on the other side." I said, "Go in and get it, you damned blackmailing scoundrel, as quickly as you can; our interviews are over." We had no such conversation as that. On my way home, I met Mr. Hossack at the Union Depot in Kansas City. He said that Merritt must do as he promised, and that he would see him when he got to Topeka. It was in pursuance of that conversation that I wrote the letter to Mr. Hossack from Girard, on February 8th. There was no offer made to Mr. Hossack by me concerning his testimony at the time the statement was delivered to him at Girard. I wanted him then to make a clean breast of the whole matter, and told him if I was called before the committee, I would have to testify to just what had taken place, and that he had better tell the truth in regard to it. He said he wouldn't do it unless he was paid for it. I next saw Mr. Hossack in Topeka, on the 22d day of February, before he testified. He begged of me not to testify concerning the statement. I told him that I would have to testify to just what occurred, if I testified at all. He said if I told the truth concerning it, Merritt wanted him to go in with them and have me arrested for trying to blackmail them. I told him that no threats would make any difference with me, and that he had better tell the truth. While we were talking, Mr. Higgins came to me and told me that the committee was waiting for me. I think he came two or three times while we were talking. He (Hossack) came to my room on the Sunday morning following; made the same threat again concerning my arrest; said that Merritt had agreed to pay him the remaining \$500, according to the original agreement, and that

he was going to swear the matter through for them. I told him I didn't think he could get up before the committee and swear that he hadn't received the money he had so frequently told me he had. His reply was, that he had nerve enough to swear it through; and spoke at the time how he would account for the money—the money that had passed between he and I. He said that he would state that he had borrowed the money from Merritt, and drew some of his pay for attendance as a member of the Legislature. That was about the substance of our conversation. I tried repeatedly to get him to tell the truth. I told him that it would be a personal matter between he and I if he contradicted the statement. On the Monday evening that he (Hossack) states that I was with him and made him drunk, I spent the whole evening with Mr. Majors. I was at the theater with Mr. Majors. Mr. Brown was not there with us; he came in late—just before it broke up.

*(By Mr. Callen.)*

Q. Is the conversation referred to in your testimony here to-day, as having taken place between yourself and Mr. Hossack, prior or subsequent to your former examination before this committee?

A. Part of it was before I was before the committee, and part of it after.

Q. For what reason did you withhold in your former examination that portion of the conversation between yourself and Mr. Hossack that had taken place prior to that time?

A. I did not withhold it. I was stopped in the midst of my examination, and told to come again. FRANK PLAYTER.

#### TESTIMONY OF E. W. MAJORS.

E. W. Majors, being recalled, testified as follows:

*Question:* Did you see Mr. Playter on the evening and night of the Monday next preceding day of the election of U. S. Senator?

*Answer:* I did.

Q. State fully what time in the evening you first saw him, and how long you remained in his company, and the circumstances concerning your being in his company.

A. I saw him in the evening, a little before dark; met him at the Tefft House; I was with him until between 7 and 8 o'clock.



I left him at that point to go to the Greenback club; at that time he said he was going to the Opera House. I went to the Greenback club; I remained a very few minutes there, and came down, and went immediately to the Opera House. When I went in I understood that it had just commenced. As soon as I got seated, I was looking around for Mr. Playter, and had not been in there over five minutes before I found him. He was sitting just in front of me across the aisle. We both remained there until the theater was out.

Q. State whether you left the theater in company with Mr. Playter; and, if so, where you went in company with him, and how long after leaving the theater you remained in his company.

A. We left the theater together; we walked to the Tefft House; we were not together there longer than ten or fifteen minutes, and I went home, it being then after 11 o'clock.

Q. What time was it when you left Mr. Playter?

A. I think it was between 11 and 12 o'clock at night.

Q. Where did you go when you left Playter?

A. I went to Judge Holmes's, where I was then boarding.

Q. How long was it after leaving Mr. Playter before you went to your room?

A. I walked two blocks; I judge I could walk it in five or ten minutes. I went from there direct to my room.

Q. State what occurred on your arrival at Judge Holmes's, and who, if any one, you found in your room.

A. When I came to the door of the house I found it locked. Judge Holmes unlocked the door. I asked Judge Holmes if Mr. Hossack was in, and he said he didn't know. I then went up stairs and found Mr. Hossack in the room, in bed.

Q. State the fact as to whether he was asleep.

A. I think he was.

Q. State whether Mr. Hossack was in company with you and Mr. Playter during any part of the time that you and Mr. Playter were together, on that night.

A. No, sir; he was not.

Q. If you know, state whether or not Mr. Hossack was intoxicated on the night of January 30th, 1879.

A. I don't think he was, but I didn't see him in the fore part of the night. I saw him after 12 o'clock. I considered him sober then. This was after Mr. Horton was nominated.

Q. State what you know of his financial condition, and the fact as to whether or not he had any money before the commencement of the Senatorial election. State fully.

A. He said to me the first week of the session that he was not able to pay his board until he drew his pay. He borrowed \$6 from me before the Senatorial election, and before the appropriation was made for the payment of the Legislature. He paid me back before we went home, during the week of the Senatorial election, and after the appropriation was made, and after he told me that he had drawn his pay.

(*By Mr. Hartshorne.*)

Q. Do you know how much he drew?

A. I think it was in the neighborhood of \$91.

E. W. MAJORS.

TESTIMONY OF CHAS. H. MILLER (RECALLED).

Chas. H. Miller, being recalled, said:

The day of the election of Senator—I call it “Black Friday”—our delegation went home—that is, Mr. Bevins, the two Gables, and myself. Mr. Henderson might have been on the train, but I didn’t see him that I remember. We talked about the election all the way over. T. P. Gable said he knew of one of our delegation getting \$600 to vote for Mr. Ingalls, but didn’t vote for Ingalls or Horton either. He told me that he had counted the money, and at the proper time he would tell all about it, but for the present he would not tell anything more. On last Friday, February 14th, I met Mr. Gable in the Tefft House. He told me he wanted to see me. He said he was bothered nearly to death about that little matter he had been talking to me about—that is, in getting that money for our member; that Mr. Henderson was accusing him of playing traitor in the matter, and threatened to expose him; and wanted me to let the matter drop. He said if I would let the matter drop, he could get out of the thing all right. I told him, no; that if the committee subpoenaed me, I should go before them and tell them all I knew. He then told me that it was \$500, instead of \$600, as he had told me before. He said if there were other parties called before he was, that probably Mr. Henderson would not try and implicate him. He also said that D. R. Anthony had tried to bribe him

and Bevins to get them to vote for Ingalls. After that he went home, and I went up to the House. I met Mr. Henderson, and he called me out, and wanted to know whether I had been the cause of his being subpoenaed before the committee. I told him that I had not. He then wanted to know what I knew about his receiving the bribe. I told him what Tom Gable had told me about the matter. I told him I would not tell who the man was that told me. I told him I had heard the Atchison delegation say that he had received the money. Thos. Gable requested me to tell Henderson that the Atchison delegation (Donahue and Briggs) had told him so. Henderson said that he thought some of his friends had given him away, and that he intended to drag them down with him. He wanted to know what to do about it. I told him that if he was subpoenaed, to go before the committee and tell all he knew about the matter—that was, to tell the truth, and not prevaricate a particle. I told him that I did not think he had done anything wrong, as he had voted for his man all the way through, and that there was nothing wrong in his taking the money. He said he was not prepared to state at this time whether he had received any money or not. Mr. Gable told me that the money was got from Fox, the man that was with Danford. Gable and I came up together from home. He seemed to be quite uneasy. He said he didn't know what to do, but that if I would help him he thought it would work all right. He said that Henderson was annoying him all the time, and accusing him of giving him away, and threatening to drag him down; and said that it was in my power to help him, and that if I would not testify that he would not, and things would be all right. I told him that I could not do it; that if I went before the committee I would tell all I knew; and told him to be careful, and not do anything that would hurt him. Last Monday evening he came to my room and told me that he did not want to testify just then. I went to the committee room and saw Mr. Randolph, and told him to not have the boys come up that night; and he said, "All right, for the present;" that when he wanted them he would notify them. I went and told the boys what Mr. Randolph said, and they seemed delighted. Yesterday, I met Mr. Gable, and he told me that he had been before this committee, and had told the whole thing.

CHAS. H. MILLER.

TOPEKA, Feb. 18, 1879—9 A. M.

Committee on Investigation met pursuant to adjournment. Present: Messrs. Randolph, chairman, Callen, Hartshorne, Keller, and Hall.

TESTIMONY OF THOS. P. GABLE.

First witness called was Mr. Thos. P. Gable, who, being sworn, testifies as follows:

*(By Chairman Randolph.)*

*Question:* What is your name?

*Answer:* Thos. P. Gable.

Q. Where do you reside?

A. Leavenworth.

Q. How long have you resided there?

A. I have lived in the neighborhood since '54; in the city, about twelve years.

Q. What is your business?

A. I am a cigar manufacturer.

Q. Are you a member of the present House?

A. I am, from the Eleventh District.

Q. State what you know, if anything, concerning the payment of, or the offer or promise to pay money, or other valuable consideration, to any member of the present House of Representatives of this State, to influence his vote in the late election of a U. S. Senator. State fully what you know, if anything, upon this matter.

A. I will say, by preface, that there has been a great deal said outside. I have said things in reference to money being used. I voted for the investigation, and believe money was used; but from my personal knowledge I know of no one receiving it. I have said to two or three that members of our delegation had received money for votes, and have endeavored to delay coming before this committee that I might get evidence positive in the case. Thursday morning, previous to the election of U. S. Senator, I was in our room alone (we occupy Room 129, at Telft House—Bevins, Henderson, my brother and I), and William Henderson came in. I was sitting on the bed. He handed me a roll of bills, remarking, "I have done it," or, "I have got it." I looked surprised, and he laughed and said, "But I am going to vote as I please." This was the substance of the conversation.



I believed then that he received money for his vote. I did not count it. It was a roll of bills. I turned it over once or twice in my hands.

*(By Mr. Callen.)*

Q. How much was there of it, do you think?

A. I couldn't say—didn't count it; but if I should guess, I would say about \$200—possibly more, and perhaps less. I thought then and afterwards that he had received it for his vote; I've so stated to parties, but I cannot say that he did. I questioned him since concerning it—last Friday, when we were coming up to the House—he denied it. We have frequently had conversations in our room, in fun, about buying or selling votes. This about all I know.

Q. Who did he vote for?

A. Goodin. Mr. Henderson is a relative, and I would not like to say anything that would injure him, unless I thought him guilty. I have been in favor of investigation, against the wishes of my people; but if I could find out that he had received money for his vote, I should divulge it.

*(By Mr. Hartshorne.)*

Q. Who did you vote for?

A. A. H. Horton.

Q. What are your politics?

A. Democratic; same as Mr. Henderson's.

Q. Did he say from whom he received the money?

A. He did not.

*(By Chairman.)*

Q. Did you advise him for whom to vote?

A. I did not.

THOS. P. GABLE.

After some further minor questions, witness was dismissed.

#### TESTIMONY OF JOSEPH G. PANGBORN.

TOPEKA, March 3, 1879—2:30 P. M.

Joseph G. Pangborn, being sworn, testified as follows:

*Question:* You may state if you are acquainted with Thos. P. Gable.

*Answer:* I am.

Q. You may state if you had a conversation with him on or about the 1st or 2d day of February, 1879, respecting the payment

of money for the purpose of influencing votes in the late Senatorial election. If yes, state that conversation fully.

A. I did, on or about that time. The first time I talked with Mr. Thos. Gable was in the office of the Tefft House, on the Monday or Tuesday evening following the Senatorial election. He ran his arm through mine, and led me to a corner in the hall, where he whispered to me, "We know just what we are doing, and when you know you will think more of us fellows than ever." I asked him what he meant, and he said, "We have another York case." I then said, "Explain yourself." He whispered back, and gave a rather knowing look, and said, "Not now; wait till I can give it to you dead." I stuck to him, and finally, he said, "Ingalls paid a member that I know \$600 to vote for him. He came to another member I know and told him about the offer, and said that he had refused it. The man that he had told came and told me about it. I said, right away, 'Why didn't he take the money, put it in his pocket, and vote for whoever he pleased.' I advised him to go and find the member who had been offered the money, and get him to take it upon these conditions. He said, all right, he would." Then Gable said to me, "That is all I will tell you about it now. Don't say anything about it in the papers, or to anyone personally." The next day, just after dinner, I met Thos. Gable, and asked him, "How are things?" He replied, "I don't want to tell you too much now, for I don't want anything said in the papers; but we have got them, and when the time comes, we will whoop 'em up. Keep your mouth shut, and if an investigation is ordered, then you can go for them. If we are beat on the investigation, you can go for them anyhow, and give my name for authority." That evening I met him again; he said, "Pang., I would like to tell you all about the thing, but it won't do to have it get out now." I told him that I would say nothing in the papers about it, but that I would like to know what it was he was driving at, for my own personal satisfaction. He then replied, whispering in my ear, "That member I told you about went back and got the \$600, brought it to me and I counted it." I asked him whether there was anybody else present but himself and the party who got the money. He said, "Another member." I asked, "Who has got the money now?" He said, "The member whom it was paid to." I asked him who did he vote for for Senator. He replied,

"Goodin." I asked him, "Where is the money now?" He said, "The member took it down home with him Saturday, and put it away." I then asked him, "Is it the identical bills he received to vote for Ingalls?" He replied, "Yes, I suppose so." I then asked him what shape the money was in when he counted it. He said, "It was in a \$500 package, this package being bound with a band around it, and the figures \$500 on it." That he didn't remember the denomination of the other bills which made up the other \$100. I then asked him if the \$500 package remained intact. He said that he broke the paper band when he counted the money. He didn't know whether the broken band remained with the money or not. I then asked him what he proposed to do with the money. He answered, "Produce it, when the time comes." A day or two subsequent to this conversation, I met him again, and asked him to tell me who the member was who got the \$600. After some general talk, he replied, "Henderson, of my county." I then asked him who the third member was that was present when he (Gable) counted the money, and he declined to tell me the member's name, but said, "It will all come out when the investigation is made."

Q. Were all these conversations subsequent to the Senatorial election?

A. They were. I asked Mr. Gable at the time he told me that Mr. Henderson was the member who got the money, who paid it to him. And he said it was that Osage City man in Danford's room.

Q. Did he say when he had received the money?

A. No, I don't think he did.

J. G. PANGBORN.

#### TESTIMONY OF GEO. A. EDDY.

Geo. A. Eddy, being sworn, testified as follows:

My name is Geo. A. Eddy; I live in Leavenworth, Kansas.

*Question:* Are you acquainted with Thomas P. Gable, a member of the House from Leavenworth county?

*Answer:* I am.

Q. State what Thomas P. Gable has told you, if anything, concerning the payment of money to any member of the House, to influence his vote in the late Senatorial election.

A. He stated to me that Mr. Henderson, member from Leavenworth county, received \$600 for his vote, and that he (Gable)

counted the money in their room. He said that Mr. Henderson got it from Mr. Ingalls's room, and came immediately up stairs, and he counted it. That is the substance of the conversation he had with me. This was in Leavenworth, the next day after the election.

GEO. A. EDDY.

COMMITTEE ROOMS OF INVESTIGATION, }  
TUESDAY, Feb. 18, 1879—7:30 P. M. }

Committee convened pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Hall, and Keller; Mr. Callen absent.

TESTIMONY OF CHAS. H. MILLER.

Whereupon Mr. Chas. H. Miller, being announced as a witness, and being duly sworn, says:

My name is Charles H. Miller; I live in Leavenworth city, Kansas; I am the proprietor of a newspaper; I am a member of the House of Representatives of this State; I represent the Thirteenth Representative District.

*Question by the Chairman:* State what you know, if anything, concerning the payment of or the offer or promise to pay or give any money, or other valuable consideration, to any member of the present House of Representatives of the State of Kansas, to influence his vote, or the vote of any other member of said House, at the late election of a U. S. Senator by the Legislature of this State. State fully what you know, if anything, in the above matter.

*Answer:* All I know is what Mr. Thos. P. Gable and others told me. He represents the Eleventh Representative District. On returning home, on Friday, the 31st of January, 1879, in talking about the election generally, with Mr. Gable, Bevins and others, Mr. Gable told me that he knew of a member of the House that had received \$600, and did not vote for Mr. Ingalls or Horton either. He told me that he counted the money. He did not tell me then who the member was, but subsequently he told me that it was Mr. Henderson, of Leavenworth county. After that I saw Mr. Henderson. He came to me, and wanted to know whether I had sent his name in as a witness to the investigating committee. I told him I had not. I told him that Mr. Gable had told me that he knew that he had received money for his vote. He told me that he had told Gable that in confi-



dence, and that if his friends were going to drag him down, he would see if he could not take them down with him, or words to that effect. He told me that he was not prepared to state at that time whether he had received any money for his vote or not. I saw Mr. Gable after that, and he told me that the amount was \$500, instead of \$600.

CHAS. H. MILLER.

TESTIMONY OF WM. R. HENDERSON.

Wm. R. Henderson, sworn and examined, says:

My name is Wm. R. Henderson; I live in Leavenworth county; I am a member of the House of Representatives; I represent the Eleventh District.

*Question by the Chairman:* State what you know, if anything, concerning the payment of or the offer or promise to pay or give any money, or other valuable consideration, to any member of the present House of Representatives of the State of Kansas, to influence his vote, or the vote of any other member of said House, at the late election of a U. S. Senator by the Legislature of the State. State fully what you know, if anything, in the above matter.

*Answer:* I don't know anything, of my own knowledge. I have heard persons say that they were offered money.

Q. Who were they?

A. George Bevins.

Q. What did you hear him say?

A. I think he said that he was offered—I can't name the amount. It was with the understanding only that his board was to be paid.

Q. When and where did he tell you that?

A. In Room 129, in the Tefft House, and it was since the Senatorial election. I believe he said that his board was to be paid.

Q. What did you say in regard to money being paid to you?

A. I never received any money from any one, and there never was any offered me by any person.

Q. State what any other member told you about money being offered to them for their vote.

A. Mr. Thos. P. Gable made about the same statement to me that Mr. Bevins did.

(By Mr. Keller.)

Q. In your answer, you said that you did not receive any

money, nor have any offered to you. State if you did not tell Thos. P. Gable that you had sold your vote, and showed him the money you received.

A. In a joke, one morning, showed Mr. Gable what money I had in my pocket. I told him I was fixed. I had about \$150, or less.

(*By Mr. Hall.*)

Q. Have you had a conversation with Charles H. Miller?

A. I have.

Q. Did you not state to Mr. Miller, in that conversation, that you were not prepared to state at that time whether you had received money for your vote or not?

A. I did not; I never told him anything of the kind.

Q. Did not Mr. Miller tell you that some of your friends had told him that such was the case, and you told him that if your friends attempted to drag you down, you would take some of them with you?

A. I did not; I never said anything of the kind to him.

WM. R. HENDERSON.

#### TESTIMONY OF GEO. T. BEVINS.

Geo. T. Bevins, being sworn and examined, says:

My name is Geo. T. Bevins. I live in Leavenworth city; have lived there nineteen years. I am a member of the present House of Representatives. I represent the Tenth District.

*Question by the Chairman:* State what you know, if anything, concerning the payment of, or the offer or promise to pay or give, any money, or other valuable consideration, to any member of the present House of Representatives of the State of Kansas, to influence his vote, or the vote of any other member of said House, at the late election of a U. S. Senator by the Legislature of the State. State fully what you know, if anything, in the above matter.

*Answer:* On several occasions I was approached by the friends of Mr. Ingalls, requesting me to vote for Mr. Ingalls; and they would ask in a general way if there was not something they could do for me that would influence me to vote for Mr. Ingalls. I told them that there was nothing, and I told them in such a way that they understood it, and they didn't bother me any more.

Q. Have you, since the Senatorial election, been approached

in any way to discourage you from testifying before this committee?

A. I have never been approached in any way on the subject.

TOPEKA, KANSAS, Feb. 14, 1879—9 A. M.

The Committee on Investigation met in regular session, pursuant to adjournment. The following members of the committee were present: Randolph, chairman, and Messrs. Keller, Hartshorne, and Hall; Mr. Callen absent.

Upon motion, Frank S. Presbrey was appointed clerk of the committee, and was thereupon sworn as such.

Upon motion, it was ordered that the committee sit with closed doors.

TESTIMONY OF JOHN M. HUTCHISON.

First witness sworn was Mr. Hutchison.

*(By Chairman Randolph.)*

*Question:* What is your name in full?

*Answer:* John M. Hutchison.

Q. Where do you reside?

A. Jewell City, Jewell county, Kansas.

Q. How long have you lived there?

A. I've been there since December, 1872.

Q. What is your business?

A. I am a druggist.

Q. Are you a member of the present Legislature?

A. I am.

Q. House?

A. Yes, sir.

Q. What district?

A. One Hundred and Ninth.

Q. Well, Mr. Hutchison, state what you know, if anything, concerning the payment of, or the offer, or promise to pay, or give any money or other valuable consideration, to any member of the House of Representatives of the State of Kansas, to influence his vote or the vote of any other member of said House, at the late election of a U. S. Senator by the Legislature of this State. State fully what you know, if anything, in the above matter.

A. I had heard men talk, and it had been hinted to me, that

there was money to be had. Some parties asked me if anything would influence me to change my vote (I had been in the Horton caucus the night before); I said nothing would. On assembling of the House, before the vote on Friday, I went early, in order to get a seat.

Q. Was this on the day of the election of the U. S. Senator?

A. It was.

Q. On what date?

A. It was Friday; I can't say the exact date, but I am positive about the day.

Q. Go on and state the facts.

A. A party came and said he wanted to see me urgently; I told him I had to go to the House.

Q. Where did he come to you?

A. On the stairs of the State House. He told me he wanted to see me. I told him after I went into the House I'd come back. He told me I'd better vote for Ingalls; it was better, and I had received letters from my constituents to that effect. He said he would make it an inducement, and that there was a great deal to be gained (nodding his head and looking at me). He said anything I wanted I could have, (still nodding his head); for me to make my own figures. I told him I couldn't change. He said it would be better. I had a curiosity to know how much they were giving, so I asked him what he would give. "Well, 500," said he, "or more if you want it." I shook my head, and told him I could not do it. "Well, 1,000," he said, (again nodding his head). I turned then and looked out of the window.

Q. Where were you?

A. In the place where they sell cigars, in the west end, back of the Senate Chamber. I told him that was not the right way to run political contests. He then said, "Well, make it 1,500." I told him then that I would not under any circumstances; that I was a poor man, but wasn't afraid to die poor; and with this I turned away and went into the House.

Q. Was that all of the conversation?

A. It was.

Q. When he said 500, 1,000, and 1,500, were dollars mentioned?

A. I don't think they were.

Q. What time was this?



A. We met at 12. This was about, I should say, half-past ten.

Q. Where did you go?

A. Into the House.

Q. Did you have any further conversation with him?

A. No, sir, except that he inquired concerning Mr. Hamilton.

Q. Of Marshall?

A. Yes, sir.

Q. That morning?

A. Yes, sir.

Q. After the conversation?

A. Yes, sir.

Q. You may state who this party was.

A. A gentleman; a western man, (demurring.)

Q. Give his name.

A. I suppose one has to tell the truth any way; he lives in my district.

*Mr. Randolph:* Well, a good many men live out there.

A. His name is James Heineke.

Q. Of what county?

A. Jewell.

Q. Did he show you at this time any money?

A. No.

Q. Did he say where he got his money?

A. He didn't; I had no further talk with him.

Q. Did any others approach you to influence your vote?

A. Not in a direct way; there were some inferences.

JOHN M. HUTCHISON.

After some other irrelevant questions, witness was dismissed.

TOPEKA, KAS., February 20, 1879 — 9 A. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Hall, Keller, and Callen.

Whereupon Mr. John Puterbaugh was announced as a witness.

TESTIMONY OF JOHN PUTERBAUGH.

John Puterbaugh, being sworn, says:

My name is John Puterbaugh; reside at Newton; am Register of Deeds of Harvey county.

*Question:* You may state whether you are acquainted with Geo. W. McClintick.

*Answer:* I am.

*Q.* How long have you known him?

*A.* I have known him for two or three years by reputation; personally, only this winter, since the Legislature has been in session.

*Q.* You may state whether you were here during the late Senatorial election.

*A.* I was here for two weeks during the canvass—the week of election, and the week previous.

*Q.* You may state what conversation, if any, you had with Geo. W. McClintick concerning the use of money, payment or promise of money or other valuable consideration, to influence the vote of any member of the House for U. S. Senator.

*A.* The week previous to the election, on Thursday night, Mr. McClintick and I were at the theater together. Mr. Collins, from Hutchinson, a cattle-man, called Mr. McClintick out. They were gone about fifteen minutes, and Mr. McClintick returned. After the theater was out, Mr. McClintick and I went to the Tefft House. He took me around the rear of the house, on the outside, on the south side. He stated to me that he had great confidence in me, and wanted some advice from me. He stated that he had been offered three hundred, and he probably could get five hundred, to vote for Mr. Ingalls. He asked me if I thought he had better take it, and then vote as he pleased. I told him that he was a young man, and had a good start in life, and that if he took the money it would be a stigma upon his character as long as he lived. I advised him not to take the money under any consideration. He said that he thought my advice was good, and that he would go and tell them that he would not take the money. He left me there, and went into the Tefft House, and I saw nothing more of him that night.

*Q.* Did Mr. McClintick tell you at what place the money was offered, or where they were when he informed them that he would not take the money?

*A.* He did not; he said that it raised quite a commotion in the Ingalls camp when he told them. He didn't tell me in what room the offer was made.

Q. Did Mr. McClintick ever tell you who offered him the money?

A. I do not recollect that he did, positively.

JOHN PUTERBAUGH.

TESTIMONY OF WM. M. CONGDON.

Wm. M. Congdon, being sworn, says:

My name is Wm. M. Congdon. I live at Sedgwick City, Harvey county. Have lived there eight years, nearly. I am a member of the present House of Representatives. I represent the Ninety-eighth District.

*Question:* Are you acquainted with Geo. W. McClintick, member from McPherson county.

*Answer:* I am.

Q. How long have you known him?

A. I formed his acquaintance the first week of the present session.

Q. Have you ever had any conversation with Mr. McClintick in regard to his being offered any money or other valuable consideration to influence his vote for U. S. Senator?

A. During the late Senatorial election, Mr. Puterbaugh came and told me that they (referring to Mr. Ingalls's supporters) were using money for the purpose of purchasing votes. I asked what knowledge he had of the fact. He told me that they had offered, or paid, Mr. McClintick \$500 for his vote. I think he told me that they had offered him \$500 for his vote for Mr. Ingalls; that Mr. McClintick came to him as a friend, and asked his advice. He told Mr. Puterbaugh that he was badly in debt, and that it would help him considerable; and Mr. Puterbaugh said that he told him that he was a young man just starting in life, and that it would ruin him to take the money, as it was certain to be found out sooner or later, and advised him to give the money back and have nothing to do with it, and tell them that he would not accept their proposition. Upon the information thus received from Puterbaugh, that same day I saw Mr. McClintick. I asked him if he knew whether the Ingalls men were using any improper means to advance his interest. He told me that he knew they were. I didn't question him in regard to his receiving or being offered any money, but his conversation convinced me that there was money being used.

W. M. CONGDON.

## TESTIMONY OF GEO. W. M'CLINTICK (RECALLED).

George W. McClintick, having been sworn, (being recalled,) says:

My name is George W. McClintick; I reside in McPherson county; I am a member of the present House of Representatives; represent the Ninety-ninth District.

*Question:* State what you know, if anything, concerning the payment of, or promise to pay, money or other valuable consideration, to you or to any other member of the House, to influence your vote, or the vote of any other member of the House, in the late Senatorial election.

*Answer:* I do not care to make any statement, but I will answer any question that may be asked, except the question heretofore refused to be answered.

Q. Who was the man that said you could get the \$300?

A. I refuse to answer.

(By Mr. Hall).

Q. Did any part of this conversation take place in Mr. Ingalls's room?

A. No, sir; the nearest point to Mr. Ingalls's room was on the stairs.

Q. Where was the \$800 offered to you?

A. About the middle of the block.

Q. Who was it that offered you the \$800?

A. I refuse to answer.

Q. Who is the man referred to in your former testimony, who you say offered you \$800 for your vote for U. S. Senator?

A. I refuse to answer.

Q. What is the name of the man that you have testified in your former testimony offered you \$300 for your vote for U. S. Senator?

A. I refuse to answer.

Q. Was either of the men who offered you the \$300 or the \$800 a candidate for U. S. Senator, or a member of the present House of Representatives?

A. No, sir.

Q. Did you ever tell Jno. Puterbaugh the name of the man who offered you the \$300 for your vote for Mr. Ingalls for U. S. Senator?



A. I don't think I ever did.

The above testimony of G. W. McClintick was written down at the time it was given, and in our presence and hearing read over to the witness, and he stated the same was the testimony he had this day given before this committee.

A. M. F. RANDOLPH, *Ch'n.*

A. W. CALLEN.

JOHN HALL.

J. H. KELLER.

FEBRUARY 28, 1879—2 o'clock P. M.

Committee met pursuant to adjournment. Present: Randolph, chairman, Hall, Callen, Keller, and Hartshorne.

TESTIMONY OF N. H. COATES.

N. H. Coates, being sworn, says:

*Question by the Chairman:* State your name, residence, and occupation.

*Answer:* My name is N. H. Coates; I live in McPherson county, Kansas; am a farmer.

Q. Are you acquainted with Geo. W. McClintick, member of the House from McPherson county?

A. I am.

Q. State what, if anything, you have heard Geo. W. McClintick say concerning the payment, or promise to pay to him, money or other valuable consideration, in the late Senatorial election.

A. On last Wednesday a week ago, myself, Mr. Waldrige, and Mr. Tolle, were here, and met Mr. McClintick at the Poppendick House. We started then to the State House. As we were walking down here, south of the Tefft House, I said, "George, why didn't you go in for a part of that Ingalls money?" And he said, "I did have \$500 of it in my pocket over night." I then said, "I guess, then, you shoved it down;" and said he, "I put it where it will never do them any good," or "They will never see it again," or something to that effect. This was all the conversation we had, except he said, "They have got me subpenaed before the committee, but they can't make me tell anything here, but they can at Washington." He didn't tell me

who paid him the money. This is all, in substance, I ever heard him say about it. At the time of this conversation, Mr. Tolle and Mr. Waldrige were walking just in front of us.

N. H. COATES.

TESTIMONY OF S. F. TOLLE.

S. F. Tolle, being sworn and examined, says:

*Question by the Chairman:* State your name, residence, and occupation.

*Answer:* My name is S. F. Tolle; I live in Roxbury, McPherson county, Kansas; am a farmer.

Q. Are you acquainted with George W. McClintick, member of the House from McPherson county?

A. I am.

Q. State what, if anything, you have heard Geo. W. McClintick say concerning the payment of, or promise to pay, money to him, or other valuable consideration, in the late Senatorial election, to influence his vote.

A. I was here in Topeka last week, from Monday until Thursday, and had a conversation with Mr. McClintick, in which I asked him if there was money paid in that election. He said he knew there was; he presumed there was money offered to every seedy-looking member of the House. I then asked him if there was any offered to him, and he said there was. I asked him how much; he said, \$500. He then stated to me that he wouldn't tell who the person was that offered it to him, and then said he wouldn't tell it before this committee, but that if he went to Washington, he would have it to tell. This is the substance of all I ever heard him say about it.

S. F. TOLLE.

FEBRUARY 28, 1879—7:30 P. M.

TESTIMONY OF GEO. W. M'CLINTICK (RECALLED).

Geo. W. McClintick, being recalled, and further examined, testified as follows:

*Question:* State the name of the man who offered you, prior to the election of U. S. Senator, \$300, and the name of the man who offered you \$800 to influence your vote for U. S. Senator. State fully.

*Answer:* The name of the man that offered me the \$300 was Merritt; he said that he had been led to believe that I was favor-

able to Mr. Ingalls, and that in case I voted for Mr. Ingalls, I ought in right be paid for the expenses I had incurred in the election. He asked me how much I thought that was; I told him that probably the loss and business expenses of election amounted to \$500 to \$600. He stated that he thought that was rather steep; that he thought \$300 would be plenty. He never paid me the \$300, or any part of it. I think the last statement he made to me that night was, "I want you to understand that this money don't come from Mr. Ingalls, but comes from a fund that has been made up outside." The name of the man that said that he was authorized to offer me \$800 to vote for Mr. Ingalls, I think, is Shadduck; he lives at Hutchison. I never saw him until I met him here; he didn't show me any money, nor pay me any; he said that they needed just five votes, and those five votes could get \$800 apiece. I told him I wouldn't vote for Ingalls under any circumstances, and that I was sorry to see him working with that crowd. I talked with him probably half an hour after that, and can't recollect what all was said; afterwards he turned out and worked for Horton; and he told me he would go and talk with Martin, of Kingman, and Lawson, of Reno county, and see if he couldn't get them to vote for Horton. I don't remember, in my former statement, as to the time when this conversation occurred; but I now know that it was on the morning of the Senatorial election. I never took any sum of money from any person to influence my vote for Senator, or as election purposes, or any other purpose.

*(By Mr. Hartshorne.)*

Q. Where were you at the time this alleged conversation took place with Mr. Merritt?

A. It was during the walk from the Tefft House around this block, and in front of and at Zimmerman's saloon.

Q. What was the date of the interview with Mr. Merritt?

A. I think it was the Friday or Thursday of the week before the Senatorial election.

Q. State whether in your conversation you led him to believe that you were favorable to Mr. Ingalls.

A. I think probably I did; I had told him before that, that the Republicans of my county were favorable to Mr. Ingalls, and had been urging me to vote for him.

Q. State whether this last conversation had occurred previous to his offer to have you remunerated for your expenses and loss in the election.

A. Yes, sir.

Q. State whether Mr. Merritt asked you, in consideration of the payment of your expenses in the election, to vote for Mr. Ingalls for U. S. Senator, or whether the offer was made on the hypothesis that you were expecting to vote for Mr. Ingalls at any rate.

A. My idea was that if I agreed to vote for Mr. Ingalls I was to have \$300 as election expenses.

Q. What reply did you make to Mr. Merritt when he said to you that he had been led to believe that you were favorable to Mr. Ingalls?

A. I told him that I had come here intending to vote for Mr. Phillips, or some Greenbacker, first, and next for Mr. Ingalls.

Q. Was it in reply to that remark of yours that he said you ought in right to be paid for the expenses you had incurred in the election if you voted for Mr. Ingalls?

A. Yes, sir; I think that is the way the conversation came about.

Q. Did ever Mr. Merritt make you any other offer?

A. No, sir.

Q. Did Mr. Shaddock himself make a direct offer to you for your vote for Mr. Ingalls, or did he merely say to you in the course of conversation that you could get \$800 for your vote if you would vote for Mr. Ingalls?

A. As near as I can remember, I think he stated that he was authorized to say that I or anybody else could get \$800 by voting for Mr. Ingalls.

Q. State whether or not he stated to you who it was who authorized him to make that statement.

A. He didn't tell me, and I didn't ask him.

Q. Did he ask you personally to accept the offer of \$800 for your vote, and to vote for John J. Ingalls for that consideration?

A. He didn't say that he would, but that I could get it.

G. W. McCLINTICK.

TOPEKA, March 3, 1879—7:30 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, and Callen.



## TESTIMONY OF N. H. COATES.

N. H. Coates, being recalled, testified as follows:

*Question by McClintick:* You state in your testimony that you said to McClintick, "George, why did you not go in for a part of that Ingalls money, and he (McClintick) said, 'I did have \$500 of it in my pocket over night.'" Are you certain that I said that?

*Answer:* I am.

Q. Might it not have been that I said to you that such statement was published in the *Kansas City Times*?

A. There was nothing said about any paper at all at that time.

Q. You state in your testimony that I said I shoved it down, and said that I put it where it never would do them any good, or they will never see it again. Didn't I say that money got in that way would never do anybody good?

A. I don't remember of hearing anything of the kind.

Q. You state this was all the conversation we had at that time, except that I said, "They have got me subpoenaed before the committee," etc. Don't you remember, a day or two after you reached here, yourself, Mr. Tolle, Mr. Woolridge and myself had a conversation at the front of the saloon in this block (Zimmerman's), and that there I stated, in answer to a question of Mr. Tolle, that I believed money had been used, and that I had been offered money?

A. I did not hear any such conversation.

Q. What business brought you down here at that time?

A. I can't say that I had any business here at all.

Q. Did you not tell one of your neighbors, before you left home, that you were coming down here to try and get some money out of the Santa Fé Railroad men, for working up that railroad proposition?

A. No, I did not. I said, if those Newton fellows had any money made up to defeat our bond project, I would take all I could get of it.

Q. Did you write a letter to Geo. W. Sweesy, asking him to send you money to work against the railroad bonds?

A. I don't remember whether I wrote for him to send it to me or to another party.

Q. You acknowledge that you wrote the letter asking for money?

A. I wrote I understood they had money made up to defeat the bonds, and if they had, to send it up.

Q. Did you work for the bonds at the bond election?

A. I did.

Q. Did you get any money from the man that you wrote to?

A. I did not.

Q. What conversation did you have with Senator Ritchie, when you were down here, about this investigation and myself? I mean in regard to your being a witness here.

A. There was nothing said while we were down here about my being a witness, but I made a few statements to him, what I had heard. The next thing I heard from it he was up to our place, and said that they wanted us here before the committee.

Q. State if you told Mr. Ritchie that you would come down here and testify to something that would hurt my reputation at home.

A. I don't remember of having that conversation with him or anyone else.

Q. Did Ritchie pay you anything for coming down here?

A. No, sir; he did not.

Q. Would you have kept the money if you had got any from those Harvey county fellows?

A. I presume we would have kept it, among us.

Q. Did you approach any person here in Topeka for money to work against the railroad proposition?

A. No, sir. I was talking with Jim Gevry.

N. H. COATES.

TESTIMONY OF GEO. W. M'CLINTICK (RECALLED).

Geo. W. McClintick was recalled, and testified as follows:

I never stated to N. H. Coates, while he was in Topeka or any where else, that I had received \$500 or any other sum to influence my vote in the late Senatorial election.

*Question by Coates:* Did you ever tell any one that you received money to influence your vote in the late Senatorial election?

*Answer:* I did not.

G. W. McCLINTICK.

TOPEKA, March 4, 1879—2:30 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Hartshorne, Keller, and Callen.

On motion of Mr. Callen, Mr. Hartshorne was duly elected chairman *pro tem*.

TESTIMONY OF J. S. MERRITT (RECALLED).

Whereupon J. S. Merritt was recalled, and examined, and testified as follows:

I know Mr. G. W. McClintick. On the Monday afternoon, I think, preceding the Senatorial election, Mr. McClintick came to Room 17 in the Tefft House, and said he wanted to see me. I left the room with him, and he said he wanted to talk with me about the Senatorial election. We started, and walked around the block south of the Tefft House. He commenced the conversation by saying, "I came here for Mr. Phillips. I don't think he has any chance in the election, and I don't think he would ever do anything for anybody outside of those Salina land offices, anyway. I have made up my mind to vote for Mr. Ingalls." He said, "Now, I am poor. I have run behind in beating the straight Republican candidate in my county. Ingalls ought to help me." I replied, "I am glad you are going to vote for Mr. Ingalls." I said, "Mr. Ingalls has got no money; his friends have got to bear the expense of this campaign." I said, "Mr. McClintick, I won't talk with you about assisting you or trying to assist you in the matter of your election expenses, unless you are for Mr. Ingalls, for I can't afford, neither could Mr. Ingalls afford, to have any of his friends talk about a matter of this kind, so that it could be construed to appear like a money consideration for a vote." He said he ought to have \$300. I told him I would try and get it for him. I may have told that I would get it for him. I parted with him. The next time I saw him he again came to our room (and, by the way, he was there frequently), and called me out, and said: "I have concluded that I must vote for Mr. Phillips." And said, "You needn't get me that money. I thank you for what you have done. I don't want you to say to anybody that I have told anybody that I was going to leave Mr. Phillips." I said, "All right; I won't."

J. S. MERRITT.

TESTIMONY OF JOHN D. KNOX.

John D. Knox, being affirmed, doth say:

My name is John D. Knox; I reside in Topeka; am a banker.

*Question:* Are you acquainted with David Auld, a president of a bank at Atchison?

*Answer:* I am; I think he is president of the First National Bank of Atchison.

Q. Did you see him here during the late Senatorial election?

A. I did.

Q. State what business he had with you, during that time, in your bank.

A. He called two or three times, and asked me for a book of common drafts, which I furnished him, and he went into my back parlor with parties I did not know. I think there were as high as three at one time. They ranged all the way from one to three. I think this is about all. I don't think we cashed anything from him, for either him or anybody else.

Q. Do you know whether any member of the present House of Representatives was paid any money, or offered any money, to influence his vote in the late Senatorial election?

A. I do not.

JOHN D. KNOX.

#### TESTIMONY OF R. B. SHADDUCK.

R. B. Shadduck, being sworn, testified as follows:

My name is R. B. Shadduck. I live in Hutchinson, Kansas.

*Question by Mr. Williams:* Did you come up from Hutchinson to attend the Senatorial election this winter?

*Answer:* I did.

Q. At whose request did you come?

A. F. E. Gillett and I were talking about the Senatorial election that was to come off, and I said to him I would like to go, and he said, "If you want to go, I can get you a pass from Geo. T. Anthony."

Q. Did he get you the pass?

A. He did, and I came.

Q. Did you ever offer Geo. W. McClintick \$800, or any other sum, for his vote for U. S. Senator?

A. No, sir.

R. B. SHADDUCK.

TOPEKA, March 4, 1879—2 30 P. M.

#### TESTIMONY OF CHARLES COLLINS.

Charles Collins, being sworn, testified as follows:



(Examined by Mr. Williams.)

I live in Reno county, Kansas.

*Question:* Do you know Geo. W. McClintick, of McPherson county?

*Answer:* I do.

*Q.* Have you had any conversation with Mr. McClintick since the election of U. S. Senator, in regard to the election?

*A.* I have.

*Q.* In that conversation, what, if anything, did Mr. McClintick say about having been paid money for his vote by Mr. Ingalls or any of his friends?

*A.* I met McClintick, and said to him, "I suppose you are aware that there is talk going around that you received \$500 from Ingalls's friends, and gave it back." He said, "I know there has been such talk, but it is a damned lie. I never got any money from Ingalls or any of his friends, nor was offered any by Ingalls or his friends."

CHAS. COLLINS.

TOPEKA, February 25, 1879—9 A. M.

Committee met pursuant to its order of adjournment. Present: Randolph, chairman, Keller, and Hall.

TESTIMONY OF CHAS. E. FAULKNER.

Chas. E. Faulkner, being sworn, says:

My name is Chas. E. Faulkner; I reside at Salina, Kansas; I am a member of the present House of Representatives; I represent the One Hundredth District.

*Question:* Are you acquainted with G. W. McClintick, a member of the House from McPherson county?

*Answer:* I am.

*Q.* State what you have heard him say, if anything, concerning the payment of money or offer of money to him, to influence his vote in the late Senatorial election.

*A.* Soon after the late Senatorial election, Mr. McClintick stated to me that Mr. Merritt offered him money to vote for Mr. Ingalls. He did not name the amount. C. E. FAULKNER.

TESTIMONY OF DR. S. E. SHELDON.

Dr. S. E. Sheldon, being sworn, says:

My name is S. E. Sheldon; live in Topeka, Kansas; profession, physician. Have lived here nearly thirteen years.

*Question:* State what you know, if anything, concerning the payment of, or the offer or promise to pay, any money, or other valuable consideration, to any member of the House of Representatives of this State, to influence his vote in the late Senatorial election.

*Answer:* Chas. E. Faulkner, a member of the House, told me, on the morning of the election of U. S. Senator, that a member of the House had told him (Faulkner) that he had been offered \$500 that morning if he would vote for Ingalls, and came to me to see what he should do about it, and I told him, that to tell them to take their money and go to hell with it, or something to that effect; and this is all I know in answer to your question. I don't remember whether Faulkner told me who the man was that offered the money, or the name of the member to whom it was offered.

S. E. SHELDON.

TESTIMONY OF A. A. THOMAS.

A. A. Thomas, being first duly sworn, says:

I live in Washington, D. C.; I have resided there about two years; I am a lawyer by profession; I resided in Kansas during the years 1870, '71, '72, and up to 1877. That during my residence in Kansas I was Register of the U. S. Land Office at Cawker City and Kirwin, in said State. I am somewhat acquainted with the politics and politicians of said State. I left the city of Washington for the purpose of attending the late Senatorial election, and arrived in the city of Topeka on or about the 24th day of January last. Before I left Washington I was requested to see a certain person in Topeka, and was informed that such person, who was well acquainted with some ten or fifteen members of the Legislature of the State of Kansas, would work with me during the Senatorial canvass, and would do all in his power to influence such members of said Legislature as he was acquainted with, to vote for a candidate for U. S. Senator, as upon consultation with other friends in Topeka and myself would be deemed the most available candidate to concentrate upon, in opposition to Mr. Ingalls.

Q. With whom did you have this understanding?

A. Senator Plumb.

Q. Who was the person you were to see particularly?

A. Mr. Danford, of Osage City. I do not know his initials.

Q. Did you understand that he was opposed to Mr. Ingalls?

A. Yes, sir; I understood that he was bitterly opposed to Mr. Ingalls. I did not see Mr. Danford until the morning after my arrival in Topeka, when I met him in the office of the Tefft House. I introduced myself, and he stated that he knew the object of my coming, and he invited me to his room, where we talked over the situation in reference to the Senatorial election. He stated in that conversation that he did not think it was possible for Mr. Ingalls to be elected; that he would do all in his power, claiming that he could and would control fifteen votes, and that he would place them wherever myself and friends might desire after the opposition had worn themselves out. That he did not want to make any mistakes. He expressed himself to me as bitterly opposed to Mr. Ingalls. I left him, believing that he was all right. The next day, from certain indications, I began to grow suspicious of Mr. Danford, which later in the day became a certainty in my mind, and I immediately telegraphed to Mr. Plumb that Danford was working for Ingalls, and had thrown votes to him, and requesting Mr. Plumb to direct Mr. Danford to withdraw the votes from Ingalls. That evening I went, in company with J. G. Pangborn, to Kansas City, Mo., to have certain letters engraved, and to help write up the political record of Mr. Ingalls. While there, I telegraphed to Mr. Plumb what I was doing; that the paper would appear Tuesday; that the Republican caucus would be Monday night, and to direct Danford to draw all the men away from Ingalls that he could. I returned to Topeka Monday afternoon; found telegrams awaiting me from Senator Plumb, stating, in substance, that he had telegraphed as requested, and was doing all in his power, and still doing it thoroughly, but that I must be mistaken in my suspicions of Mr. Danford; that advices there, meaning Washington, were different, I saw Danford, and asked him if he had received any messages from Plumb. At first he said, "No;" then admitted that he had received one, and said that somebody, he supposed Simcock, had been bulldozing Plumb like hell. I asked him what Plumb said. He would not tell me, but said that Plumb said, "Hands off." Friday morning, at about four o'clock, immediately after the nomination of Mr. Horton, I saw Mr. Danford in the billiard room of the Tefft House. I told him that he had been continually telling me that he would come

with his men as soon as a combination was effected. He seemed pleased at Horton's nomination, and said that it suited him exactly; that he (Horton) would be elected, and he was glad of it; that he had sent for Mr. Hood.

Q. What Hood?

A. Mr. Plumb's partner, who I understood was stopping at the Fifth Avenue House. Mr. Danford stated that Mr. Hood would be up pretty soon; that they were both anxious to do what Mr. Plumb wished; and that it would be all right. I went to Mr. Danford's room, in the Tefft House, about 7 o'clock that morning. I was somewhat excited, and told him it was about time he was doing something. He told me to sit down, and said that he had seen Mr. Hood, but that Mr. Hood was afraid. He asked me if I thought Mr. Ingalls had any money. I told him I did not know, but that I understood that he had. Mr. Danford then said that Mr. Ingalls was a damned good promiser, and that he did not believe that he (Ingalls) would keep one of his promises; that he (Danford) had got through taking promises; that Mr. Hood believed him (Ingalls), but he did not; that Mr. Ingalls would have to "put up" before he (Danford) would help him; that it would cost Ingalls \$10,000, that morning, to be elected. He then asked me if I thought Mr. Horton had any money. I told him I thought not. Danford said then that it would not cost Horton but \$5,000 to be elected. I asked Danford if he was going to stand in with us as he had promised. He said he would unless *some matters were fixed up*. I saw him again about 11 o'clock of that day, and spoke to him very hurriedly; asked him what he was going to do; asked him if he was going to help us. He said it was *too late*; that the boys had their post office and other little things fixed up by Ingalls, and that he could not reach them.

A. A. THOMAS.

#### TESTIMONY OF S. N. WOOD.

S. N. Wood, being first duly sworn, says:

My name is S. N. Wood; I reside near Elmdale, Chase county, Kansas; I am a farmer, newspaper man, and a lawyer.

Question: Were you here during the late Senatorial election?

Answer: I was.

Q. Have you been a member of the Legislature?

A. I have.



Q. You may state what you know, if anything, concerning the payment of or offer or promise to pay to any member of the House of Representatives, money or other valuable consideration, to influence his vote in the late Senatorial election by the Legislature of this State. State fully.

A. I don't know anything.

Q. Has any member of the Legislature said anything in your hearing concerning the offer of money to him, to influence his vote at the late Senatorial election?

A. Not that I recollect of.

Q. Are you acquainted with J. S. Danford, of Osage City?

A. I am.

Q. What is his business?

A. Banker.

Q. Are you acquainted with Calvin Hood, of Emporia?

A. I am.

Q. What is his business?

A. He is a banker, at Emporia.

Q. State whether you had conversation with them, or either of them, in regard to the use of money in the late Senatorial election.

A. During the contest, I frequently went to Mr. Danford and Mr. Hood, and asked them if they were representing Mr. Plumb's interest, and asked them what he desired in the election—knowing that they were warm personal friends of Mr. Plumb. They professed not to know what Mr. Plumb wanted. At about 2:30 o'clock, the morning that Mr. Horton was nominated, I went to Mr. Danford's room, at the Tefft House, and told him of the nomination of A. H. Horton, and asked him if he did not think it was to the interest of Plumb's friends to go to work and secure the election of Horton, as it would make him the senior Senator, and give him more influence. Danford said in reply that he had about come to that conclusion himself, and had telegraphed to Mr. Plumb to ascertain what he desired, but was afraid that he would not get an answer in time. He there said that Ingalls had promised, if he was elected, to let Plumb control the patronage. He then remarked that Ingalls was acting the fool; that he (Danford) had offered to put up his own money, and elect Ingalls, if Ingalls would put \$5,000 in David Auld's bank, at Atchison, to his credit. He said that Ingalls

had been gaining, and was fool enough to think that he could be elected without doing it. He added, in that connection, that a member had offered to him to vote for Ingalls, the day before, for \$300, but that, since Horton's nomination, he had raised the price to \$600. He said that \$5,000 would have elected yesterday, but it will take \$10,000 now. I said, "Well, what are you going to do?" He answered, that he had sent a messenger to the Fifth Avenue for Major Hood, and had told Ingalls's friends to send for Auld. If I would come back in about thirty minutes, he would tell me what they were going to do. I went back in about the thirty minutes. There were in the room (Danford's room), at the time, Danford, Major Hood and D. Auld. I think I was in the room at that time about five minutes, and then retired. As I left Danford at the door he told me to come back in about twenty minutes. I went back in about twenty minutes, and I found Danford and Hood alone in the room. I asked them again what they had concluded to do. Danford said, "Not anything as yet." Hood was getting into bed, and said that he had concluded to go to bed. This was about 3½ o'clock. The next morning I met Mr. Danford on the steps of the Telft House, and asked him what he had concluded to do. He said that they had concluded to support Mr. Ingalls. I had no further conversation with him before the election of Mr. Ingalls. The next day I saw Danford, and asked him if he was going home, and he told me that he and Mr. Hood and Merritt had some little matters they had to fix up, and he could not go down at present.

S. N. WOOD.

#### TESTIMONY OF JOSEPH DONAHUE.

Joseph Donahue, being sworn, testified as follows :

*Question:* State your name, residence and occupation.

*Answer:* My name is Joseph Donahue. I reside in Atchison county, Kansas. I am a farmer. I am a member of the present House of Representatives. I represent the Seventh District.

Q. State what you know, if anything, concerning the payment of, or the offer or promise to pay, any money or other valuable consideration to any member of the House, to influence his vote at the late Senatorial election.

A. There was a party offered me money to support Horton. He said that if I would support Horton, I could have what

money I asked for doing it—for voting for Horton. That was in the morning of Friday, January 31st, 1879, about 3 o'clock, I should think. No money was shown me. The party's name is Burkhalter, who had been introduced to me as Sheriff of Doniphan county. About 3 o'clock on Friday morning, I was in the office of the Tefft House, and was talking to some one. Mr. Guthrie came in, and was electioneering me for Mr. Horton. His attention was drawn to another party, and he told Burkhalter and Cy. Leland to talk to me. Burkhalter commenced to electioneer me for Horton, and asked me to take a walk with him. We walked across the street, opposite the Tefft House. There he told me if I would support Horton he would pay me what money I asked. I told him "No." He spoke of this two or three times. I then told him that I would see him to-morrow. I told him this to get rid of him. This was the last I saw of him. No other person offered me any money to influence my vote. I have not heard any member of the House say that he has received or been offered or been promised any money or other valuable consideration to influence his vote, in the late Senatorial election.

JOSEPH DONAHUE.

TESTIMONY OF GEO. F. SHARITT.

Geo. F. Sharitt, being sworn, says :

My name is George F. Sharitt; I reside at Leavenworth, Kansas; I am chief Deputy U. S. Marshal.

*Question:* State who composed the Grand Jury in the U. S. District Court, for the October term, 1876.

*Answer:* This book to which I refer is a record of witnesses and jurors who appeared as such at the U. S. District and U. S. Circuit Courts, for the District of Kansas, since June, 1875. This book is kept by order of the Attorney General of the United States. The Grand Jurors for the October Term, 1876, of the U. S. District Court, are as follows:

D. B. Emmert, Sedgwick county.  
H. Buckingham, Cloud county.  
J. H. Talbott, Atchison county.  
A. L. Topliff, Mitchell county.  
Laf. C. Smith, Rooks county.  
F. P. Baker, Shawnee county.  
W. G. Souther, Shawnee county.  
J. H. Stringfellow, Atchison county.

A. T. Sharpe, sr., Franklin county.  
S. Heath, Atchison county.  
A. Allen, Shawnee county.  
J. E. Clardy, Pottawatomie county.  
I. S. Kirby, Dickinson county.  
Allen Williams, Douglas county.  
C. C. Duncan, Leavenworth county.  
R. E. Lawrenson, Davis county.  
H. S. Wooden, Ottawa county.  
A. Munds, Riley county.  
J. C. Hebbard, Nemaha county.  
A. B. Murch, Ottawa county.  
Chas. Besser, Leavenworth county.

Twenty-one in all—twenty-three having been subpenaed; two failed to appear.

G. F. SHARITT.

TOPEKA, KAS., February 14, 1879—7:30 P. M.

Committee met pursuant to adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Hall, Keller, and Callen.

TESTIMONY OF T. B. ELLISON.

First witness called, T. B. Ellison.

(*By the Chairman.*)

*Question:* What is your name?

*Answer:* T. B. Ellison.

Q. Where do you reside?

A. Minneapolis, Ottawa county, Kansas.

Q. What is your occupation?

A. I am a farmer.

Q. Are you a member of the present House of Representatives?

A. Yes.

Q. What is your district?

A. One Hundred and First.

Q. Where do you board?

A. Ashbaugh House.

Q. State what you know, if anything, concerning the payment of or the offer or promise to pay or give any money or other valuable consideration to any member of the House of Representatives of the State of Kansas to influence his vote, or the vote of any member of said House, at the late election of a U. S.



Senator by the Legislature of this State. State fully what you know, if anything, in the above matter.

A. I don't know of anything of the kind. I know of no money being offered to anyone.

Q. Did anyone approach you on that subject?

A. No.

Q. Where were you Thursday evening? at the caucus?

A. Yes, sir.

Q. At the Ashbaugh, after the caucus, did you have any conversation with anyone concerning the subject?

A. No, sir; not particularly. Men came to see me, and talked with me.

Q. They didn't make known to you what they wanted?

A. No, sir; I fought them off, and told them to "git."

Q. Matter closed up here?

A. Yes.

Q. To whom do you refer?

A. Well, five or six came to see me. One of them was Rankin, or some such name, from Lawrence. He said he knew friends of mine in Ohio.

After some further minor questions, witness dismissed.

The above testimony is correct.

T. B. ELLISON.

SATURDAY EVENING, February 15—7:30 P. M.

The committee met pursuant to adjournment. Present: Messrs. Randolph, chairman, Hartshorne, and Keller. Absent: Messrs. Callen and Hall.

TESTIMONY OF R. B. ARMSTRONG.

First witness called, R. B. Armstrong. After being sworn, the following testimony was taken:

*(By the Chairman.)*

*Question:* What is your name?

*Answer:* R. B. Armstrong.

Q. Where do you reside?

A. Wyandotte, Kansas.

Q. What is your business?

A. Real estate.

Q. How long have you resided there?

A. Thirty-five years.

Q. Are you a member of the present House of Representatives?

A. I am.

Q. What district?

A. Seventeenth.

Q. Have you been in attendance all the time?

A. I have; that is, I have been in town.

Q. State what you know, if anything, concerning the payment of, or the offer or promise to pay or give, any money, or other valuable consideration, to any member of the present House of Representatives of the State of Kansas, to influence his vote, or the vote of any member of said House, at the late election of a U. S. Senator by the Legislature of this State. State fully what you know, if anything, in the above matter.

A. Well, sir, I know nothing of any matter since coming to Topeka, only what I've heard and seen from statements.

Q. When did you come to Topeka?

A. On the 13th of January.

Q. This year?

A. Yes, sir.

Q. Your answer covers that time?

A. Yes.

Q. You understand the question?

A. Yes.

Q. You have heard nothing either before or since coming here?

A. No, sir.

Q. When were you elected?

A. November 5th, 1878.

Q. You know nothing between the time of election and your coming here?

A. No, sir, or no offers.

R. B. ARMSTRONG.

After some minor questions, witness dismissed.

#### TESTIMONY OF JOHN BISSELL.

Mr. John Bissell, being sworn, testified as follows:

(*By Mr. Randolph.*)

*Question:* What is your name?

*Answer:* John Bissell.

Q. Where do you reside?

A. Near Phillipsburg, Phillips county, Kansas.

Q. How long have you lived there?

A. Since 1872.

Q. What is your business?

A. Farming.

Q. Are you a member of the present House?

A. Yes, sir.

Q. What district?

A. One Hundred and Sixteenth.

Q. You've been here during the session?

A. Yes, sir.

Q. You may state what you know, if anything, concerning the payment of or the promise to pay or give any money, or other valuable consideration, to any member of the present House of Representatives of the State of Kansas, to influence his vote, or the vote of any member of said House, at the late election of a U. S. Senator by the Legislature of said State. State fully what you know, if anything, in the above matter.

A. I don't know anything, or of any money paid, only by rumor. I have no personal knowledge.

Q. No money ever offered to you?

A. No, sir.

Q. Any offer of office?

A. I called at the Tefft House to see Mr. Ingalls, on the first day after he came in. He asked me why I could not give him my support; that if I would, my vote and assistance would give him the majority of the Republicans, and make his election certain. He said, as near as I can remember the words, "If you will vote for me, and do what you can to assist me, I will give you anything you want—land offices, post offices, or anything else."

Q. Did you understand "or anything else" to mean money?

A. I did not. I think he referred to official favors, as, the removal or retention of offices in favor of friends of mine.

JOHN BISSELL.

TOPEKA, Feb. 12, 1879.

The committee met pursuant to adjournment. Present: Randolph, chairman, Hartshorne, Hall, and Callen; absent, Mr. Keller.

## TESTIMONY OF L. M. BRIGGS.

First witness called, Mr. L. M. Briggs, who, being sworn, testified as follows:

*(By Chairman Randolph.)*

Question: What is your name?

Answer: L. M. Briggs.

Q. Where do you reside?

A. Muscotah.

Q. What is your business?

A. I am in the mercantile business.

Q. How long have you lived there?

A. Nine or ten years — ten, I think.

Q. Are you a member of the present House of Representatives?

A. I am.

Q. What district?

A. Sixth.

Q. State what you know, if anything, concerning the payment of or offer to pay or give any money or other valuable consideration to any member of the present House of Representatives of the State of Kansas, to influence his vote in the late election of a U. S. Senator, in the State of Kansas, or to influence the vote of any other member of said House at said election. State fully what you know in the above matter, if anything.

A. I do not know of anything, either offers or money promised or given to me or any other member, to my knowledge.

Q. Did any member tell you of such offers?

A. They did not. All I know is hearsay evidence. Of course, we all heard those things—it was bar-room talk; but knowing of them, I do not.

Q. Was any offer of office, influence or position offered you?

A. No, sir; it was not.

Q. Do you know of such an offer to any other member?

A. I don't think I do. Talk was going on all the time, but I didn't know anything definite about it.

*(By Mr. Hartshorne.)*

Q. Have you been a member at any previous time, so as to understand the workings of the election?

A. I have not; but I have been here on several elections.



There was less talk at this one than at any I ever attended. I have been here to four or five.

After some minor testimony, witness dismissed.

MARCH 5, 1879—2.30 P. M.

Committee met pursuant to adjournment. Present: Randolph, chairman, Hall, Hartshorne, Keller, and Callen.

TESTIMONY OF S. M. STRICKLER.

S. M. Strickler, being sworn, testified as follows:

My name is S. M. Strickler. I reside at Junction City, Kansas.

*(By Mr. Callen.)*

*Question:* Did you, at any time during the month of August, 1876, send a telegram from Atchison, Kansas, to Chas. H. Miller, U. S. Marshal of Kansas, to meet you on that day at the Planters' House, in Leavenworth, Kansas?

*Answer:* I did.

Q. State if Mr. Miller met you on that day at the Planters' House, as requested in your telegram?

A. He did.

Q. State if in that interview with Mr. Miller you handed him a paper, upon which were written the following names: J. H. Stringfellow, Joseph H. Talbott, Atchison; J. C. Hebbard, Seneca; W. G. Souther, Topeka; J. E. Clardy, Wamego; G. W. Finley, Fort Scott; H. Buckingham, Concordia; D. B. Emmert, Wichita; R. E. Robinson, Junction City; James L. Kirby, Chillicothe; R. M. Williams, White Cloud; H. L. Wooden, Minneapolis.

A. I did.

Q. State whether or not you saw those names written upon that paper.

A. I did.

Q. Who was the person who wrote those names upon that paper?

A. I wrote them.

Q. Was Mr. J. J. Ingalls present at the time you wrote those names upon that paper?

A. He was not.

Q. State whether or not it was at his suggestion that those names were written and handed to Mr. Miller.

A. It was not. So far as I know, Mr. J. J. Ingalls had nothing to do with it, and knew nothing about it. I can give a fac-simile of the list of names.—(Witness then, at the request of Mr. Hall, made and delivered to Mr. Hall a list of the names, which he said was in the handwriting of the original.)

S. M. STRICKLER.

TOPEKA, KANSAS, Feb. 25, 1879—8:30 A. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Callen, Hartshorne, and Keller.

TESTIMONY OF CHARLES H. MILLER (RECALLED).

Charles H. Miller, being recalled, says:

*Question:* What do you know, if anything, in regard to Senator Ingalls having anything to do with placing on the list certain names (thirteen in number), comprising the grand jury for the U. S. District Court, October term, 1876? Also, what demand, if any, of money did Senator Ingalls make of you in regard to ex-U. S. Marshal Tough's deficiency in his accounts? State fully concerning the above matter.

The witness, in answer to the above, submits as his answer the statement hereto attached:

STATEMENT OF CHARLES H. MILLER.

Sometime during the month of August, 1876, I received a telegram from a gentleman, from Atchison, Kansas, and who is now in Topeka, saying that he would like to see me on that day at the Planters' House, in Leavenworth, Kansas, upon the arrival of the train. I met him, and after the usual formalities were disposed of, the gentleman remarked that he desired to ask a favor of me, and that I had promised him that I would do him a favor for favors shown me by him; and if I could now return it, this was the time to do so. I replied, "All right," and asked what he wished me to do, and he answered that I knew, of course, that the next United States grand jury would investigate the "Atchison Lottery" scheme; and that all he and his friends asked was a fair lot of men to compose said grand jury, and that he would like to suggest some of the names from which the jury were to be drawn. I replied that, while I would be glad to do him any favor that was consistent with my duty, yet, considering

that he was one of the men whose case was to be tried by the jury to be selected, I could not permit him to suggest any names for said jury. He then remarked that they were all good men that he desired to suggest, and at the same time took from his pocket a piece of paper, on which were written twelve names, and handed it to me, saying as he did so that, "You certainly know these men, or at least some of them, and you know them to be good men." I answered, "Yes, I do know some of them, and they are good men;" but yet it was not proper for him to suggest men to compose the next grand jury, and that I could do nothing for him, and then handed the paper back to him. He then remarked, "You recognize the handwriting?" I said, "Yes, I think I do;" to which he replied that, inasmuch as I was going to Colorado, and as Senator Ingalls was also going the next week, he wished me to keep the paper, and that Senator Ingalls would probably explain to me more fully in what manner it would benefit him by doing him the favor. I therefore kept the paper, which I now have in my possession, and which I have always believed, and do now believe, to be in Senator Ingalls's own handwriting. A copy of said paper, with the twelve names, I herewith hand you.

I thereafter prepared (in accordance with Rule No. 15 of United States District Court, a copy of which I herewith hand you) the list of one hundred and fifty names from which the grand and petit juries for the October term of 1876 were to be drawn, and sent them to J. C. Wilson, Clerk of the U. S. District Court, at Topeka, Kansas, to file away the paper in said court. (This list was made up without any regard to the twelve names on the list handed to me by the gentleman from Atchison.)

I afterwards, on the 5th day of September, 1876, with my wife and daughter, visited Colorado, and there met Senator Ingalls, but there was no reference made by him or by myself in regard to the matter of the Atchison lottery men, or the jury.

I returned home September 15th, and on the following Monday, September 18th, proceeded to Topeka, in order to be present at the time the Clerk was to draw the jury, and on arriving at North Topeka U. S. District Attorney Peck came through the train that I was on, and met me, and asked me if I had received his letter. I replied, "No." He then remarked that he had written me, requesting me not to draw the jury on that day,

and for me to go over and see Mr. Wilson, and he would more fully explain why the jury should not be drawn. Mr. Peck was then on his way to Lawrence. I proceeded to the court house, to Mr. Wilson's office, and there met him, and he then remarked that he would not draw the jury on that day, and that Senator Ingalls desired to see me before the drawing of the jury, and that I had better go at once and see him, as the time was getting short before court, and that he would draw the jury on the following Monday. I said, "All right," and he then handed me the list of 150 names that I had previously sent to him, from which the jury was to have been drawn on that day, he saying that in all probability there would have to be some changes in the list after seeing Senator Ingalls, and that it would not do to scratch the list, and that I had better make out a new one.

I then took the list (a portion of the same, with J. C. Wilson's signature and date of filing, I now have in my possession—a copy of the same I herewith hand you) and proceeded to Atchison, Kas., and called upon Senator Ingalls; and after talking about various subjects, the next term of our court was mentioned, and then the Atchison lottery men spoken of. He expressed the hope that they would not be indicted, saying that they were all his friends, and he did not think there was much of a case against them anyway, and that Wilson and Peck would do all they could to prevent an indictment, and for me to do what I could to that end; and that in case there were no indictments found, and it should create much comment or talk, to dispel it as much as possible; that these men and their friends had assured him that if indictments could be prevented, they would use their influence with Judge Horton so that he would not be a candidate for State Senator, and that he wanted to do this if possible, as Horton's candidacy to the State Senate would be almost fatal to his interests, etc. I replied, certainly I would do as he wished in the matter, and then remarked to him that Wilson had said that he desired to suggest some names for jurymen. He said yes, that he did. I then asked whom he wished on the list, and he replied by asking whether the gentleman (giving the name of the gentleman whom I met at the Planters' House, and who handed me the list) had not given me some names. I replied, "Yes." He then said that he desired those names placed on the list, and then also remarked that he also



wished me to add the name of old Baker, at Topeka. I said, "All right." I then went to Leavenworth, and caused my clerk, Geo. F. Sharritt, to make out a new list, using all of the names that were on the former list excepting the number that Senator Ingalls wished put on—the twelve names on the piece of paper and the name of F. P. Baker. I then sent the new list to Mr. Wilson.

Upon my return home from Atchison, I received from my clerk, Mr. Sharritt, the letter from U. S. District Attorney Peck—the one he said he had written me—in which he requested me not to draw the jury. The said letter I now have in my possession; a copy of the same I present to you herewith.

On the following Monday I again proceeded to Topeka, to be present at the drawing of the jury by Mr. Wilson; and all of the twelve names on the list placed there by the request of Senator Ingalls, together with the name of F. P. Baker, were placed on the grand jury venire. A full list of the said grand jury venire I herewith hand you.

The grand jury was in session eight days, but failed to indict these lottery men.

On the 28th day of March, 1877, I received a letter from Senator Ingalls, of which the following is a true copy. The original I now have in my possession:

ATCHISON, March 27.

*Dear Marshal:* I would like to see you as soon as you can make it convenient to call on me.

Truly,

JNO. J. INGALLS.

I called upon Senator Ingalls at his home, and after conversing upon various matters, he remarked that something must be done in relation to ex-U. S. Marshal Tough's indebtedness to the Treasury Department, or suit would be brought, and it would not do to have any exposure of Tough's accounts since Schofield's conduct, and that Tough could not pay it, and either I or himself would have to fix the matter up, and that inasmuch as I had a good office which was making me at least ten thousand dollars per year, and his pay was only five thousand dollars, he thought that I should pay it. (The amount was known to be, by Senator Ingalls as well as myself, between seven and eight thousand dollars.) I replied that it was entirely impossible for me to do any more for Tough than I was doing; that I was not making the half of ten thousand dollars per year; that my bank

account was then overdrawn, and that I was carrying as much of Tough's indebtedness as I was able to do. He replied at once that this was not so; that I had a credit and on deposit at the First National Bank twelve or thirteen thousand dollars. I replied, "Yes, that is true;" but that I had referred to my private bank account at Insley, Shire & Co.'s, and that the money I had at the First National Bank was Government money, which I had received the week previous for the purpose of defraying the expenses of the United States District Court, to be then held at Topeka the next month, and that he very well knew that I could not use any of those funds for such a purpose. He then replied, in a very angry manner, that I had better use some of these funds, and fix the matter up. I replied, that I certainly could not do so, and then I dropped the subject and left him.

I returned home, and upon the arrival of the train at Leavenworth, I met Capt. Tough at the depot going to Kansas City, and I there informed him of what Senator Ingalls had demanded of me, and he replied, saying, to pay no attention to that, but to go on and do as I had done; that Senator Ingalls would have to take care of the deficiency at the Treasury Department; that he (Ingalls) had got the money, and he would have to fix the matter himself.

I then proceeded to my office, and as my clerk, Geo. F. Sharritt, was anxious to know why Ingalls had sent for me, I informed him what I have herein stated—he (Sharritt) being well acquainted with all of the facts in relation to Tough's indebtedness, as well as the condition of my bank accounts, and of me having just the week previous received \$12,500 for the purpose of defraying the expenses of the U. S. District Court.

The above facts are true in substance, but the exact language may not be just as stated at the time. CHAS. H. MILLER.

#### MODE OF SELECTING JURORS.

RULE XV. Jurors for the district court shall be designated and obtained as near as may be in the following manner:

The marshal shall return or furnish to the clerk of the court, six weeks prior to each term, a list containing the names of one hundred and fifty persons, qualified to serve as jurors, and of good character, standing and intelligence; said persons to be selected from the body of the district, having regard to facilities

for reaching the place where court is held. The clerk shall write the names thus returned on separate pieces of paper of the same general size and appearance, fold them up so as to conceal the names, and deposit them in a jury box. On the Monday four weeks preceding any term of court, the clerk, in the presence of the marshal or some acting deputy marshal, shall publicly draw names from the said box to serve as grand and petit jurors. If a grand jury has been ordered, the first twenty-three drawn out shall be summoned as a grand jury, and the next twenty-four drawn, to serve as petit jurors. If any thus drawn are known to be dead or insane, or out of the district, other names shall be drawn in their places, so as to get the requisite number. Separate lists shall be kept by the clerk of the names drawn, and a venire or venires shall issue to summon the persons thus selected.

The above rules shall not apply to prevent the court from ordering, in term time, a grand jury or petit jury, to be summoned, though none had been previously ordered, or in attendance, or to prevent court from ordering or obtaining special jurors, to be summoned at once from the body of the district, if, from any cause, the court shall deem this to be necessary or expedient. The names once selected shall not be returned by the marshal to the clerk during the same year, and the marshal is enjoined to use care to select names of persons who are qualified to serve, and who are citizens of first-rate character and intelligence. If, from inadvertence, the jurors are not drawn at the time above designated, the drawing shall take place on some subsequent Monday. The marshal is prohibited from returning as a juror the name of any person who has applied to him to serve as such, and he is also forbidden from returning from any one town or city, for any one term, the names of more than fifteen persons to serve as jurors for such term.

\*D. B. Emmert, Sedgwick county.

\*H. Buckingham, Cloud county.

\*J. H. Talbott, Atchison county.

A. L. Topliff, Mitchell county.

Laf. C. Smith, Rooks county.

\*F. P. Baker, Shawnee county.

\*W. G. Souther, Shawnee county.

\*J. H. Stringfellow, Atchison county.

A. T. Sharpe, sr., Franklin county.

S. Heath, Atchison county.

A. Allen, Shawnee county.

\* J. E. Clardy, Pottawatomie county.

\* J. L. Kirby, Dickinson county.

Allen Williams, Douglas county.

C. C. Duncan, Leavenworth county.

\* R. E. Lawrenson, Davis county.

\* H. L. Wooden, Ottawa county.

A. Munz, Riley county.

\* J. C. Hebbard, Nemaha county.

A. B. Murch, Ottawa county.

Chas. Besser, Leavenworth county.

◦ Geo. W. Findley, Bourbon county.

◦ R. M. Williams, Doniphan county.

Venire dated September 25, 1876.

Marshal's list filed and dated September 11, 1876.

Marshal's list filed, and withdrawn by Wilson, September 11, 1876.

OFFICE OF UNITED STATES ATTORNEY, }  
DISTRICT OF KANSAS, }  
TOPEKA, Sept. 16, 1876. }

*Dear Charlie:* Don't draw the jury on Monday. I want to see you. I am obliged to go to Lawrence Monday. I would be glad if I could see you there, unless your meeting prevents. There will be a meeting that day also at Lawrence, but I have to go to attend a preliminary examination. Write me to-morrow, or telegraph me. I should have met you at depot when you went to Colorado, but was out of town, and did not receive your telegram.

Yours,

GEO.

Dr. J. H. Stringfellow, Joseph H. Talbot, Atchison.

J. C. Hebbard, Seneca.

W. G. Souther, Topeka.

J. E. Clardy, Wamego.

G. W. Findlay, Ft. Scott.

H. Buckingham, Concordia.

D. B. Emmert, Wichita.

R. E. Lawrenson, Junction City.



Jas. L. Kirby, New Chillicothe.

R. M. Williams, White Cloud.

H. S. Wooden, Minneapolis.

126. D. J. Vance, Jewell county.

127. Frank Doster, Marion county.

128. W. A. Morgan, Chase county.

129. Wm. Harrison, Butler county.

130. Wm. L. Miller, Leavenworth county.

131. A. B. Steinberger, Elk county.

132. C. E. Faulkner, Saline county.

133. Geo. W. Strickler, Ottawa county.

134. S. D. Houston, jr., Cloud county.

135. W. H. Bradshaw, Ellsworth county.

136. R. E. Cable, Wyandotte county.

137. M. E. Joyce, Leavenworth county.

138. G. W. Jones, Linn county.

139. C. C. Duncan, Leavenworth county.

140. John C. Cannon, Linn county.

141. C. E. Wheeler, Shawnee county.

142. T. Billings, Shawnee county.

143. W. C. Campbell, Wabaunsee county.

144. Seneca Heath, Atchison county.

145. W. P. Badger, Atchison county.

146. J. G. Bell, Jackson county.

147. James Lamasney, Johnson county.

148. L. H. Kirk, Anderson county.

149. Ben. Wallock, Atchison county.

150. M. M. Mason, Lyon county.

Respectfully submitted.

CHAS. H. MILLER,  
*U. S. Marshal, District of Kansas.*  
S.

[Indorsements.]

For juries, Oct. T. D. C., 1876.

Filed Sept. 11, 1876.—J. C. WILSON, *Clerk.*

LETTER FROM HON. ALBERT H. HORTON.

TOPEKA, KAS., March 1, 1879—7:30 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hall, Hartshorne, Callen, and Keller.

The chairman laid before the committee the following letter:

ATCHISON, March 1st, 1879.

HON. A. M. F. RANDOLPH, *Chairman of House Investigating Committee, House of Representatives, Topeka, Kansas*—*My Dear Sir*: You have my full consent to examine all of my telegrams sent or received during the months of January or February just past, or at any other time; and you have my further direction to say to Mr. E. L. Smith, general manager of the Topeka telegraph office, that he will oblige me by furnishing you with the originals of all such telegrams, and permit your committee to copy them. I have no recollection of transmitting any pertaining to the Senatorial election, but wish the manager to examine and inform your committee of his report in the premises. Please present this letter to your committee.

Respectfully, yours, &c.,

ALBERT H. HORTON.

TOPEKA, KANSAS, February 14, 1879—9 A. M.

The Committee on Investigation met in regular session, pursuant to adjournment. The following members of the committee were present: Messrs. Randolph, chairman, Keller, Hartshorne, and Hall. Mr. Callen absent.

Upon motion, Frank S. Presbrey was appointed clerk of the committee, and was thereupon sworn as such.

Upon motion, it was ordered that the committee sit with closed doors.

COMMITTEE ROOMS OF INVESTIGATION, }  
TOPEKA, February 18, 1879—7:30 P. M. }

Committee convened pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, Hall, and Keller; Mr. Callen absent.

The resignation of Mr. F. S. Presbrey, as clerk of this committee, being presented, the same was accepted, to take effect this day, and Mr. E. R. McBride was duly appointed clerk, to take effect from this date, who, being duly sworn, as the law requires, proceeded to perform the duties imposed upon him as said clerk.

TOPEKA, February 21, 1879—7 P. M.

Committee met pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Callen, and Hall.

Whereupon Mr. Callen made the following motion:

MR. CHAIRMAN: I move you that this Committee now make its final report, and ask the House to be discharged.

Mr. Chairman: I desire to state, as my reasons for making

this motion, the fact, that this committee, after tedious and laborious sessions for many days and nights in the careful examination of various and numerous witnesses, has been unable to find testimony proving or establishing the crime of bribery or corruption against any of the late candidates for U. S. Senator, or any member of the present House of Representatives of the State of Kansas, and the further fact, that in my opinion further sessions of this committee will not result in any benefit to the people of this State, and the further fact, that I am tired and disgusted with this investigation, and the further fact, that this committee is grossly censured by members of the House of Representatives for inefficiency and incompetency, which censure has gone so far that the Speaker of the House of Representatives, who appointed this committee, has said publicly, in the presence of a number of gentlemen, that this is a whitewashing committee, and the sooner it be discharged the better, and that he expects this committee to prove itself a failure, and in substance, that it will not be governed and controlled by the dictation of its political creators, it ought to be discharged; therefore, I say, that it is derogatory to the manhood and independence of the members of this committee to longer act in such capacity, when directly censured and assailed in the manner in which they have been by the Hon. Speaker of the House of Representatives who appointed them.

[NOTE.—The record does not show any action taken on this resolution by the committee.

WIRT W. WALTON, *Chief Clerk.*]

TOPEKA, KANSAS, Feb. 24, 1879.

Rooms of Committee on Investigation, 9 o'clock A. M., Monday.

Committee met, pursuant to its order of adjournment. Present: Messrs. Randolph, chairman, Hartshorne, and Callen.

Whereupon the following resolution was offered by Mr. Hartshorne, and the same was unanimously adopted:

*Whereas*, In the progress of this investigation, testimony has been offered and taken before this committee affecting the honor and integrity of J. A. Hossack, a member of the House of Representatives in the Legislature of the State of Kansas: therefore,

*Resolved*, That the chairman of this committee be instructed and authorized to cause notice to be given to the said J. A. Hossack, member of said House of Representatives, to appear before this committee, that he may be

permitted to defend in person against such testimony; to the end that the facts may be made known, and justice be done in the premises.

MARCH 4th, 1879—7:30 o'clock P. M.

Committee met, pursuant to order of adjournment. Present: Messrs. Hartshorne, chairman *pro tem.*, Keller, Callen, and Hall.

Whereupon, Mr. Callen offered the following resolution, which was unanimously adopted:

*Resolved*, That this committee close taking testimony on or before Wednesday noon, 5th inst., and then immediately proceed to make up its report, and deliver the same to the House on or before Friday noon, 7th inst.

---

After the presentation of the foregoing report of the Committee on Investigation, Mr. Stumbaugh offered the following resolution:

*Whereas*, James A. Hossack, Representative, a member of this House from the Fortieth District, Crawford county, signed a written statement, on the 30th day of January last past, which bears date and reads as follows, to wit:

[Teft House letter-head.]

TOPEKA, KAN., Jan. 30, 1879.

I hereby certify, that as a member of the Legislature of the State of Kansas, I was approached personally by John J. Ingalls for my vote, and was offered money providing I would vote for him. The sum agreed upon was one thousand dollars (\$1,000), five hundred to be paid down, and five hundred the first of March. I was referred by Mr. Ingalls to J. Merritt and J. Wilson, who paid me the five hundred, and Mr. Ingalls agreed to pay the remaining five hundred the first of March. J. A. HOSSACK.

(Witness to this signature, E. H. BROWN.)

*And whereas*, When the said James A. Hossack was called to the witness stand before the Investigating Committee of this House, he produced said statement and admitted the execution thereof as his own act and deed, but pretended under oath to have no knowledge of said paper, other than it must have been obtained from him on the night of the 27th of January last past, while he was laboring under the influence of liquor; and,

*Whereas*, It appears by the paper in question, also by receipt of Frank Playter to said Hossack, as well as the evidence of said Playter and E. H. Brown, that it is not true, as alleged by said Hossack, that the said paper was executed on the 27th of Jan-



uary, but on the contrary, that it was executed by said Hossack on the 30th of January, whilst the said Hossack was duly sober and in his right mind, and by the further fact that on comparison of his signature written before the committee with his signature to the said statement; and,

*Whereas*, The said James A. Hossack admits that he received \$200 from James Merritt, who, said Hossack says, was the agent of John J. Ingalls, but only as a loan, for which he gave no note or other evidence of indebtedness; and,

*Whereas*, Said statement was in the hands of Frank Playter for several weeks, when said Hossack demanded it, at which time he was asked by said Playter to tell the truth about it, and he replied, he would not unless he was paid for it; and again, that he had nerve enough to swear through against the truth: therefore, be it

*Resolved*, That it is the sense of this House that said James A. Hossack, by such conduct, has rendered himself unworthy of membership herein, and is hereby expelled from the House as Representative of said Fortieth District.

Mr. Stumbaugh spoke in support of the adoption of the resolution, and was followed by Mr. Hall, who moved that the further consideration of the resolution be deferred until to-morrow (Saturday) at 10 o'clock A. M., and that the testimony taken with reference to the conduct of Hossack be printed for use at that time.

Mr. Riggs suggested that it would be impossible to have that part of the testimony printed in so short a time, and offered an amendment that the testimony relating to the guilt or innocence of Hossack be read from the Clerk's desk to-morrow morning.

Mr. Legate moved, as a substitute for the pending motion, that the report of the majority of the Investigating Committee be adopted by the House.

Mr. Riggs raised the point of order that Mr. Legate's substitute could not properly be entertained at this time.

The Speaker so ruled, and Mr. Legate appealed from the decision of the chair.

After further discussion, however, the appeal was withdrawn.

Mr. Biddle offered a resolution that action in the Hossack case be postponed until after all the testimony is printed, and after-

wards amended it so as to defer action until Tuesday next, on which resolution, as amended, he moved the previous question.

The previous question was not sustained, 36 gentlemen voting in the affirmative and 51 in the negative.

The motion of Mr. Riggs, to postpone further consideration of the subject until to-morrow morning, was then adopted.

Whereupon Mr. Riggs moved that Mr. Hossack be granted the privilege of indicating to the committee what portion of the testimony he desired to have presented to the House. Agreed to.

Mr. Hossack said all he desired was to have all the evidence relating to him read to the House, and on that evidence he was willing to rest his case.

Mr. Legate renewed his motion to adopt the majority report submitted by the three members of the committee, Messrs. Callen, Keller and Hartshorne.

Mr. Clapp moved to defer action in the matter until after the Hossack case shall have been disposed of to-morrow.

Mr. Riggs demanded the reading of the testimony. The Clerk began to read, when Mr. Legate moved that the further reading be dispensed with; upon which motion Mr. Riggs demanded the yeas and nays.

The demand being supported, the roll was called, with the following result:

Whole number of votes cast, 108. Yeas, 37; nays, 71; absent or not voting, 21.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Bishop, Blackman, Boggs, Bower, Breyfogle, Briggs, Calvin, Cool, Danhaur, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hewins, Hossack, James of Shawnee, Legate, Loy, McCrumb, Price, Richards, Rood, Smith of Bourbon, Smith of Marshall, Stewart, Tucker, Walker, and Willey.

Gentlemen voting in the negative were: Messrs. Albin, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Blanchard, Bronson, Bruner, Callen, Clapp, Congdon, Corbin, Donahue, Eastland, Eggers, Ellison, Farris, Faulkner, Fisler, Gable (Frank M.), Hall, Hamilton of Marshall, Hartshorne, Hankins, Helmick, Henderson, Hodge, Hutchison, James of Wyandotte, Kelley, Kennedy, Leonard, Manning, Martin of

Kingman, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Rice, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Stitt, Stumbaugh, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, Wilson of Jackson, Wilson of Nemaha, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Brinkman, Brown, Bull, Butts, Clark, Clogston, Cunningham, Eckles, Ewing, Gable (Thos. P.), Hamilton of Norton, Huffaker, Humes, Keller, Kollock, Lawson, Majors, Martin of Labette, Raybell, Spilman, Towle, White, Woodard, and Wright.

And so the motion to dispense with the reading of the testimony did not prevail.

The Clerk proceeded with the reading, when Mr. Clapp moved that the further consideration of the whole subject be postponed until ten o'clock to-morrow, which motion prevailed.

### THIRD READING OF BILLS.

Senate bill No. 76, An act to provide for the apportionment of a certain bonded indebtedness of Sedgwick county, Kansas, upon and between the county of Sedgwick and certain real estate detached therefrom by sections 1 and 5 of chapter 97 of the Laws of 1872, was reported by the Clerk.

Mr. Tucker offered the following amendment:

Add a new section, to be section 5, as follows:

"SEC. 5. If the said stocks be not sold as above provided until after the principal and interest of said bonds have been paid, then the said certificates of stock shall be, by said Treasurer of State, divided between said county of Sedgwick and said detached territory upon the basis of the amount each has contributed to the payment of said bonds, and the said Treasurer of State shall deliver that portion so due to said detached territory to the Treasurer of the county of Harvey, and the portion so due to the county of Sedgwick shall be delivered to the Treasurer of the county of Sedgwick; and the said portion of said stock so delivered to the Treasurer of the county of Harvey shall be, by the Board of County Commissioners of said county of Harvey, divided among the several townships in the limits of said detached territory so made part of the county of Harvey, in proportion to the amount each of said townships has contributed to the payment of said bonds."

The amendment was agreed to.

Mr. Congdon offered the following amendment:

Strike out all after section 1, and insert as follows:

"SEC. 2. That the two hundred thousand dollars of bonds heretofore issued by the county of Sedgwick, in the State of Kansas, in aid of the Wichita & Southwestern Railroad, and in payment for two hundred thousand dollars of the capital stock of said railroad, subscribed for and issued to said county of Sedgwick, shall be apportioned and divided between the counties of Sedgwick and Harvey, as follows: One hundred and fifty thousand dollars of said bonds shall be paid by the county of Sedgwick, and fifty thousand dollars of said bonds shall be paid by the county of Harvey: *Provided*, The county of Sedgwick shall assign, transfer and deliver to the county of Harvey fifty thousand dollars, at the par value of the capital stock of said Wichita & Southwestern Railroad, on or before the 20th day of December, 1879.

"SEC. 3. The County Commissioners of Harvey county shall, at the time of levying taxes for general purposes, levy upon the property subject to taxation within the Territory detached from Sedgwick county to form Harvey county, an amount sufficient to pay the interest for one year next becoming due on said bonds, and for the payment of the principal when due, as provided by law; and the Treasurer of Harvey county shall collect the taxes so levied, as other taxes for general purposes are collected; and on or before the 20th days of June and December in each year shall pay over to the Treasurer of Sedgwick county the amount required to pay the interest next becoming due on said bonds so apportioned to Harvey county as aforesaid, and the principal at the maturity of said bonds: *Provided*, That he may make any part of such payment in matured interest coupons, and the next maturing interest coupons of said bonds, and may make such payment in said bonds when the same are due.

"SEC. 4. The County Commissioners of Harvey county shall take and hold the capital stock of the Wichita & Southwestern Railroad, assigned, transferred and delivered to Harvey county under and by virtue of the provisions of this act, in trust for the use and benefit of the territory detached from Sedgwick county to form Harvey county, and may represent, control, sell and dispose of the same in the same manner as other railroad stock



held and owned by counties in this State; and when said railroad stock is sold, the proceeds thereof shall be applied in payment and liquidation of said fifty thousand dollars in bonds so apportioned to Harvey county as aforesaid.

"SEC. 5. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed."

The question being on the amendment, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 82; constitutional majority, 65. Yeas, 38; nays, 44; absent or not voting, 47.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Armstrong, Bower, Brinkman, Bull, Clapp, Congdon, Cool, Danhaur, Eastland, Gable (Frank M.), Games, Gilmore, Hamilton of Marshall, Hamilton of Norton, Hodge, Hutchison, James of Wyandotte, Lawson, Martin of Kingman, Martin of Labette, McClintick, McKay, McMillen, Miller, Morgan, Myers, Riggs, Rood, Smith of Bourbon, Stewart, Stitt, Towle, Wait of Lincoln, Wait of Linn, Wilson of Nemaha, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Ballard, Barrackman, Beaty, Biddle, Bissell, Butts, Callen, Clogston, Donahue, Eckles, Ellison, Farris, Fisler, Gillespie, Godfrey, Greever, Greiffenstein, Hartshorne, Helmick, Henderson, Hewins, James of Shawnee, Kelley, Kennedy, Legate, Leonard, Majors, Manning, McCrumb, Moore, Parsons, Prunty, Rath, Sallee, Scott, Seaton, Selover, Taylor, Tucker, Waite of Pawnee, Walker, and Watson.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Barber, Berry, Bevins, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Bronson, Brown, Bruner, Calvin, Clark, Corbin, Cunningham, Eggers, Ewing, Faulkner, Gable (Thos. P.), Hall, Hankins, Hossack, Huffaker, Humes, Keller, Kollock, Loy, Martin of Miami, Price, Randolph, Raybell, Rice, Richards, Robb, Shaw, Smith of Marshall, Spilman, Stumbaugh, Tallman, White, Willey, Wilson of Jackson, Woodward, and Wright.

The motion to adopt the amendment did not prevail.

Mr. James, of Wyandotte moved that the House adjourn. The motion did not prevail.

Mr. Kennedy demanded the previous question on the final passage of the bill. The demand was not supported.

On motion, the roll was called, and the following-named absentees ordered to be brought in by the Sergeant-at-Arms:

Messrs. Anderson of Shawnee, Barber, Brinkman, Brown, Calvin, Danhaur, Eckles, Ellison, Hossack, Martin of Kingman, Randolph, Richards, Wait of Lincoln, White, and Woodard.

The Sergeant-at-Arms appeared with Messrs. Blackman, Brown and Hossack.

On motion of Mr. Legate, they were discharged from custody.

Senate bill No. 76 was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 105; constitutional majority, 65. Yeas, 66; nays, 39; absent or not voting, 24.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Ballard, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blanchard, Briggs, Brown, Bull, Butts, Callen, Clogston, Donahue, Eastland, Eggers, Ellison, Farris, Faulkner, Fisler, Gillespie, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Helmick, Henderson, Hewins, Hossack, James of Shawnee, Keller, Kelley, Kennedy, Legate, Leonard, Loy, Majors, Manning, McCrumb, Moore, Parsons, Price, Prunty, Rath, Raybell, Riggs, Rood, Sallee, Scott, Seaton, Selover, Stitt, Tallman, Taylor, Tucker, Waite of Pawnee, Walker, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Armstrong, Baker, Barber, Blackman, Bower, Breyfogle, Brinkman, Bruner, Calvin, Clapp, Congdon, Cool, Cunningham, Danhaur, Gable (Frank M.), Games, Gilmore, Greever, Hamilton of Marshall, Hankins, Hodge, Hutchison, James of Wyandotte, Martin of Kingman, Martin of Labette, McKay, McMillen, Miller, Morgan, Myers, Shaw, Smith of Bourbon, Stewart, Towle, Wait of Lincoln, Wait of Linn, Willey, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Bevins, Boggs, Bronson, Clark, Corbin, Eckles, Ewing, Gable (Thos. P.), Huffaker, Humes, Kollock, Lawson, Martin of Miami, McClintick, Randolph, Rice, Richards, Robb, Smith of Marshall, Spilman, Stumbaugh, Wilson of Jackson, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 184, An act to define and establish the judicial districts of the State of Kansas, providing for the election of judges therein, and fixing the terms of court thereof, was reported by the Clerk.

Mr. Armstrong moved to strike out the county of "Morris," in line 28, section 2, and insert it after the county of "Riley." Agreed to.

Mr. Morgan moved to strike out "Chase county," in first line of section 8, and insert the same after the word "Marion," in the second line of 19th section, and insert in the 47th line of the 34th section, after the word "November," the words "Chase, third Tuesdays in May and November;" also, strike out "Chase county," in 23d line of the 34th section. The amendments did not prevail.

Mr. White offered the following amendment to section 34, which was adopted:

"No jury shall be drawn for the July term, in Republic county, unless specially ordered by the Judge of the District Court."

Mr. Biddle demanded the previous question on the final passage of the bill.

The demand being supported, the roll was called, with the following result:

Whole number of votes cast, 94; constitutional majority, 65. Yeas, 54; nays, 4; absent or not voting, 35.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Armstrong, Ballard, Barber, Bevins, Biddle, Bishop, Blackman, Blanchard, Breyfogle, Brinkman, Brown, Bruner, Butts, Clapp, Cool, Cunningham, Eastland, Eggers, Ellison, Fidler, Games, Gilmore, Hamilton of Norton, Helmick, Hossack, Keller, Lawson, Legate, Majors, Martin of Kingman, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rice, Riggs, Robb, Scott, Shaw, Stewart, Stumbaugh, Towle, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Jackson, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Barrackman, Berry, Bissell,

Boggs, Bower, Bronson, Bull, Callen, Calvin, Clogston, Danhaur, Farris, Faulkner, Gable (Frank M.), Gillespie, Godfrey, Hamilton of Marshall, Hartshorne, Hankins, Hewins, Hodge, Hutchison, James of Wyandotte, Leonard, Manning, Martin of Labette, McMillen, Price, Raybell, Rood, Sallee, Seaton, Smith of Bourbon, Stitt, Tallman, Wait of Lincoln, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Beaty, Briggs, Clark, Congdon, Corbin, Donahue, Eckles, Ewing, Gable (Thos. P.), Greever, Greiffenstein, Hall, Henderson, Huffaker, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Loy, Martin of Miami, McClintick, Parsons, Rath, Richards, Selover, Smith of Marshall, Spilman, Taylor, Tucker, Walker, and Wright.

Less than a constitutional majority having voted in favor of the passage of the bill, the bill did not pass.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Senate bill No. 177, An act making appropriations for the Executive and Judiciary departments of the State for the fiscal years ending June 30, 1880, and June 30, 1881, and for deficiencies from the fiscal years ending June 30, 1878, and June 30, 1879.

Senate bill No. 195, An act making appropriations for conveying persons to the Penitentiary, for the deficiencies from the fiscal years ending June 30, 1878 and 1879, and for the fiscal years ending June 30, 1880 and 1881.

House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum, at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881.

Has amended House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the year ending June 30, 1879, by striking out \$1,000 in section 1, and inserting \$1,200.

Has also amended and passed House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, by adding the following proviso:



*"Provided, That the site of said Reform School shall be selected within five miles of the Capitol building at Topeka: And provided further, That the city of Topeka or Shawnee county shall donate to the State one hundred and sixty acres of suitable land for that purpose."*

HENRY BRANDLEY, *Secretary*.

Mr. Manning moved to reconsider the vote by which Senate bill No. 184, An act to define and establish the judicial districts of the State, etc., failed to pass.

Mr. Hodge moved to lay the motion on the table, upon which the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 93; majority under the rule, 47. Yeas, 41; nays, 52; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Barrackman, Berry, Bevins, Blackman, Blanchard, Boggs, Bower, Bronson, Bull, Calvin, Clogston, Cool, Danhaur, Faulkner, Gillespie, Hamilton of Marshall, Hankins, Hewins, Hodge, Hutchison, James of Wyandotte, Manning, McCrumb, Miller, Price, Randolph, Raybell, Rood, Sallee, Seaton, Stitt, Tallman, Tucker, Wait of Lincoln, Watson, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Armstrong, Ballard, Biddle, Bishop, Breyfogle, Brinkman, Brown, Bruner, Butts, Congdon, Corbin, Cunningham, Eastland, Eggers, Ellison, Farris, Fisler, Gable (Frank M.), Games, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Hossack, Keller, Kennedy, Lawson, Legate, Leonard, Majors, Martin of Kingman, McClin-tick, McKay, McMillen, Morgan, Myers, Parsons, Prunty, Rice, Riggs, Robb, Scott, Shaw, Smith of Bourbon, Stewart, Stumbaugh, Towle, Wait of Linn, Waite of Pawnee, White, Willey, and Woodard.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Barber, Beaty, Bissell, Briggs, Callen, Clapp, Clark, Donahue, Eckles, Ewing, Gable (Thos. P.), Greever, Greiffenstein, Hall, Helmick, Henderson, Huffaker, Humes, James of Shawnee, Kelley, Kollock, Loy, Martin of Labette, Martin of Miami, Moore, Rath, Richards, Selover, Smith of Marshall, Spilman, Taylor, Walker, Wright, and Speaker Clarke.

The motion to lay on the table did not prevail.

Mr. Biddle moved to make it the special order for to-morrow, at 9:30 o'clock A. M.

Mr. James, of Wyandotte, moved as an amendment, that it be made the special order for next Monday, at 2 o'clock P. M.

The amendment to the amendment did not prevail.

The question recurring on the motion of Mr. Biddle, the amendment prevailed.

#### MESSAGES FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, A. D. 1880, and June 30, A. D. 1881.

Substitute for House bill No. 35, An act making an appropriation for the erection of additional buildings for the Insane Asylum at Osawatomie, and for the completion of said asylum.

Substitute for House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatomie for the fiscal years ending June 30, 1880 and 1881.

Substitute for House bill No. 239, An act making an appropriation to support the Institution for the Deaf and Dumb, and to provide for the current expense thereof during the fiscal years ending June 30th, 1880, and June 30th, 1881.

Senate bill No. 193, An act making appropriation to pay the several counties of the State the expenses incurred in the maintenance of insane persons.

Senate bill No. 194, An act making appropriation to pay per diem and mileage of trustees of charitable and reformatory institutions of the State, Regents of the State Agricultural College, Regents of the State University, Regents of the State Normal School at Emporia, for deficiencies from the fiscal year ending June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881, and for per diem and mileage of Directors of the Penitentiary for the fiscal years ending June 30, 1880, and June 30, 1881.

Has amended and passed substitute for House bill No. 117, An

act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same, by striking out the word "hundred," and inserting the word "thousand," in the eleventh and fourteenth lines of section 3.

Has also amended and passed substitute for House bill No. 147, An act making appropriations for the erection of a building to be used as a dormitory, laundry, and hospital, for furnishing the same, and for improvements for the Institution of the Blind, and to defray the current expense of said institution for the years 1880 and 1881, by striking out "\$300," and inserting "\$400," in line 12 of section 2, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Also, the following message :

MR. SPEAKER: I am directed to inform the House that the Senate has amended House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, by striking out all after the enacting clause, and inserting three new sections, as follows :

"SEC. 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated as a military contingent fund for the years 1879 and 1880, to be placed at the disposal of the Governor, and to be used at his discretion, for the purpose of protecting the settlers on the frontier against Indian depredations.

"SEC. 2. The Governor shall submit to the next Legislature a full report of his proceedings under this act.

"SEC. 3. The Auditor of State shall draw his warrant on the Treasurer for the payment of the expenses provided for in this act, upon the receipt of proper vouchers, approved by the Governor.

"SEC. 4. This act shall take effect and be in force from and after its publication in the *Daily Commonwealth*."

And respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Also, the following message :

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills :

Senate bill No. 197, An act empowering the Board of Trustees of the Charitable Institutions of the State of Kansas to appropriate the use of lands for sewerage purposes at the Insane Asylum at Topeka.

House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company.

Has amended and passed substitute for House bill No. 77, An act to provide for the allowance of the claims growing out of the Price raid in 1864, and the defense of the State against Indians during said year, and making an appropriation for the payment of the same, by striking out the last provision of the bill.

HENRY BRANDLEY, *Secretary*.

#### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was delivered by his private secretary:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

House bill No. 15, An act regulating the salaries of county clerks and county treasurers of Osborne, Phillips, Rooks and Smith counties.

House bill No. 83, An act to remove the political disabilities of Taylor Brown, of Butler county, Kansas, and certain others therein named.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 7, 1879.

Also, the following:

I have this day approved House bill No. 47, An act authorizing the transfer of certain interest belonging to the interest fund of the city of Atchison, Kansas, now on hand and unappropriated, to the general revenue fund of said city.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KAS., March 5, 1879.

House bill No. 345, An act to apportion the State for Senators and Representatives, was reported by the Clerk.

Mr. Anderson, of Cherokee, moved to indefinitely postpone its further consideration.

Hr. Hamilton, of Marshall, demanded the previous question.

The demand being supported, the previous question was ordered.

The question then being on the motion to indefinitely postpone, the roll was called, with the following result:



Whole number of votes cast, 86; majority under the rule, 44. Yeas, 27; nays, 59; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Armstrong, Ballard, Barber, Barrackman, Berry, Biddle, Blackman, Breyfogle, Bruner, Clogston, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hankins, Henderson, Keller, Manning, Price, Riggs, Sallee, Scott, Seaton, Stewart, Tallman, and Woodard.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Beaty, Bevins, Bishop, Bissell, Blanchard, Boggs, Bower, Brinkman, Brnson, Brown, Bull, Calvin, Clapp, Congdon, Cool, Danhaur, Eastland, Eggers, Farris, Faulkner, Fisler, Games, Greiffenstein, Hamilton of Norton, Hartshorne, Hodge, Hutchison, James of Shawnee, Kennedy, Lawson, Legate, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Miller, Moore, Morgan, Myers, Prunty, Robb, Rood, Shaw, Smith of Bourbon, Stitt, Stumbaugh, Wait of Lincoln, Walker, Watson, White, Willey, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Baker, Briggs, Butts, Callen, Clark, Corbin, Cunningham, Donahue, Eckles, Ellison, Ewing, Gable (Frank M.), Gable (Thos. P.), Greever, Hall, Helmick, Hewins, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kollock, Leonard, Loy, McKay, Parsons, Randolph, Rath, Raybell, Rice, Richards, Selover, Smith of Marshall, Spilman, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Wilson of Jackson, Wilson of Nemaha, and Wright.

The motion to indefinitely postpone did not prevail.

On motion of Mr. Anderson, of Cherokee, the bill was referred to a select committee of five, with instructions to report to the House at 3 o'clock P. M. to-morrow.

The Speaker appointed Messrs. Anderson of Cherokee, Hodge, Wait of Lincoln, Albin, and Sallee, as such committee.

Mr. Legate called up Senate bill No. 197, An act empowering the Board of Trustees of the Charitable Institutions of the State of Kansas to appropriate the use of lands for sewerage purposes at the Insane Asylum at Topeka, and by unanimous consent the rules were suspended, the bill read the first and second time, and was then read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 76; constitutional majority, 65. Yeas, 70; nays, 5; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bull, Butts, Clogston, Cool, Danhaur, Ellison, Farris, Faulkner, Fisler, Games, Gillespie, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Henderson, Hodge, Hutchison, James of Shawnee, Keller, Kennedy, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, Miller, Moore, Morgan, Myers, Price, Prunty, Randolph, Raybell, Riggs, Robb, Scott, Seaton, Stitt, Stumbaugh, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, Willey, and Wilson of Jackson.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Gilmore, McMillen, and Sallee.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Blanchard, Briggs, Brown, Bruner, Callen, Calvin, Clapp, Clark, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Eggers, Ewing, Gable (Frank M.), Gable (Thos. P.), Godfrey, Greever, Hall, Helmick, Hewins, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kollock, Lawson, Loy, Martin of Miami, McClintick, Parsons, Rath, Rice, Richards, Rood, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Tallman, Taylor, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

At 10:30 o'clock, on motion of Mr. Hodge, the House took a recess for twenty minutes.

At 10:50 o'clock, the House resumed business.

Senate amendment to House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880, and June 30, 1881, was called up, being an amendment adding an item of \$10,000 for the completion of the University building.

The question being, Shall the House concur? the roll was called, with the following result:

Whole number of votes cast, 78; constitutional majority, 65; Yeas, 51; nays, 27; absent or not voting, 51.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Bevins, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bull, Butts, Clapp, Danhaur, Eggers, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Hamilton of Norton, Harts-horne, Helmick, Hodge, James of Wyandotte, Keller, Kennedy, Legate, Manning, Martin of Kingman, Martin of Miami, McMilen, Miller, Morgan, Myers, Price, Prunty, Rice, Richards, Riggs, Robb, Seaton, Stumbaugh, Tallman, Tucker, Waite of Pawnee, Watson, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Barber, Biddle, Bishop, Bissell, Blanchard, Bronson, Bruner, Cool, Ellison, Hamilton of Marshall, Leonard, Martin of Labette, McKay, Moore, Rath, Raybell, Sallee, Scott, Shaw, Smith of Bourbon, Stewart, Stitt, Wait of Linn, White, Willey, and Wilson of Jackson.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Beaty, Berry, Briggs, Brown, Callen, Calvin, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hankins, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kelley, Kollock, Lawson, Loy, Majors, McClintick, McCrumb, Parsons, Randolph, Rood, Selover, Smith of Marshall, Spilman, Taylor, Towle, Wait of Lincoln, Walker, Wilson of Nemaha, and Wright.

Less than a constitutional majority having voted in the affirmative, it was decided by the chair that the House refused to concur.

Mr. Legate moved the appointment of a committee of conference on House bill No. 139. Agreed to.

#### MESSAGES FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate requests the return of House bill No. 175, An act to pro-

vide for establishing a State road from Emporia to Council Grove, for its further consideration.

HENRY BRANDLEY, *Secretary*.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in the House amendments to Senate bill No. 164, An act in relation to State departments, the powers and duties of State officers, the official State paper, and the great seal of the State.

Has concurred in House amendments to Senate bill No. 153, An act to authorize school boards to transfer surplus sinking funds to other funds.

Has concurred in House amendments to Senate bill No. 76, An act to provide for and to determine the apportionment of certain bonded indebtedness of Sedgwick county, Kansas, incurred in paying for certain stock of the Wichita & Southwestern Railroad Company.

HENRY BRANDLEY, *Secretary*.

Senate amendments to substitute for House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, were reported, and the question being, Shall the House concur? the roll was called, with the following result:

Whole number of votes cast, 74; constitutional majority, 65. Yeas, 68; nays, 6; absent or not voting, 55.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Bevins, Biddle, Bishop, Blackman, Blanchard, Boggs, Briggs, Bronson, Bruner, Butts, Calvin, Cool, Danhaur, Eggers, Ellison, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, Hankins, Helmick, Henderson, Hodge, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McKay, McMillen, Miller, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Scott, Seaton, Shaw, Smith of Bourbon, Stewart, Wait of Lincoln, Wait of Linn, Walker, White, Wilson of Jackson, Woodard, and Speaker Clarke.



Gentlemen voting in the negative were: Messrs. Bull, Hamilton of Marshall, Sallee, Stitt, Waite of Pawnee, and Willey.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Beaty, Berry, Bissell, Bower, Breyfogle, Brinkman, Brown, Callen, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Farris, Faulkner, Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hall, Hewins, Hossack, Huffaker, Humes, Hutchison, Kollock, Lawson, Loy, Martin of Miami, McClintick, McCrumb, Moore, Parsons, Randolph, Richards, Rood, Selover, Smith of Marshall, Spilman, Stumbaugh, Tallman, Taylor, Towle, Tucker, Watson, Wilson of Nemaha, and Wright.

A constitutional majority having voted in the affirmative, the amendments were concurred in.

Ordered that the Chief Clerk inform the Senate thereof.

Senate amendments to House bill No. 147, An act making an appropriation for the erection of a hospital building, for furnishing the same, and for improvements, for the Institution for the Blind, and to defray the current expenses thereof for the fiscal years of 1880 and 1881, were reported, and the question being, Shall the House concur? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 56; nays, 11; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Bevins, Biddle, Bishop, Boggs, Breyfogle, Brinkman, Bruner, Butts, Danhaur, Eggers, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Hamilton of Norton, Hartshorne, Helmick, Hodge, James of Shawnee, James of Wyandotte, Keller, Kennedy, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Miami, Miller, Morgan, Myers, Price, Rath, Rice, Riggs, Robb, Scott, Seaton, Shaw, Stitt, Stumbaugh, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Blanchard, Bull, Cool, Ellison, Hamilton of Marshall, Hankins, Martin of Labette, McKay, Sallee, Stewart, and Willey.

Gentlemen absent or not voting were: Messrs. Anderson of

Ellsworth, Baker, Ballard, Barrackman, Beaty, Berry, Bissell, Blackman, Bower, Briggs, Bronson, Brown, Callen, Calvin, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Farris, Gable (Thos. P.), Godfrey, Greever, Greiffenstein, Hall, Henderson, Hewins, Hossack, Hufaker, Humes, Hutchison, Kelley, Kollock, Lawson, Loy, McClin-tick, McCrumb, McMillen, Moore, Parsons, Prunty, Randolph, Raybell, Richards, Rood, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Taylor, Towle, Tucker, Wait of Lincoln, Wilson of Jackson, Wilson of Nemaha, and Wright.

Less than a constitutional majority having voted in the affirmative, the Senate amendments were not concurred in.

By consent, the following bills were read the first and second time, and placed on the calendar for third reading, subject to amendment and debate:

Senate bill No. 177, An act making appropriations for the executive and judiciary departments of the State for the fiscal years ending June 30, 1880, and June 30, 1881, and for deficiencies from the fiscal years ending June 30, 1878, and June 30, 1879.

Senate bill No. 195, An act making appropriations for conveying prisoners to the Penitentiary for the deficiency from the fiscal years ending June 30, 1878, and June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881.

Senate bill No. 194, An act making appropriation to pay per diem and mileage of Trustees of Charitable and Reformatory Institutions of the State, and Regents of the State Normal School at Emporia, for deficiencies from the fiscal years ending June 30, 1878, and June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881, and for per diem and mileage of Directors of the Penitentiary for the fiscal years ending June 30, 1880, and June 30, 1881.

Senate bill No. 167, An act making an appropriation for the benefit of the State Agricultural College.

Senate bill No. 181, An act to provide for the punishment of bribery, and amendatory of chapter 31 of the General Statutes of 1868, being an act entitled "An act regulating criminal punishments."

On motion of Mr. Biddle, the House, at 11:45 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk.*

## FORTY-SECOND DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 8, 1879. }  
9:30 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Calvin, Clogston, Congdon, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Farris, Faulkner, Games, Gillespie, Gilmore, Godfrey, Hamilton of Marshall, Hamilton of Norton, Hankins, Helmick, Henderson, Hewins, Hodge, Hutchison, James of Wyandotte, Keller, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Waite of Pawnee, Walker, Watson, White, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Bevins, Biddle, Briggs, Callen, Clapp, Clark, Cunningham, Donahue, Eckles, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Greever, Greiffenstein, Hall, Hartshorne, Hossack, Huffaker, Humes, James of Shawnee, Kelley, Kennedy, Kollock, Loy, McCrumb, Randolph, Spilman, Stewart, Tallman, Tucker, Wait of Lincoln, Wait of Linn, and Willey.

Quorum present.

By consent, the reading of the journal was dispensed with.

Mr. Legate moved that Rule No. 63 of the House rules be

suspended so far as it relates to calling the roll and recording the yeas and nays on concurring in Senate amendments to House bills. The motion prevailed.

"RULE 63. The question upon the final passage of all bills shall be taken by yeas and nays; and the vote upon the final passage of any bill in the House, which may have been amended by the Senate, shall only be passed by a majority of all the members elected to the House, voting by yeas and nays, and a vote shall be taken upon no more than one bill at a time."

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following reports:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 395, An act to amend section 44 of chapter 34, Laws of 1876, and providing for the assessment of certain tracts of lands by members, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

JOHN S. GILMORE, *Chairman*.

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 404, An act to amend an act entitled "An act in relation to the collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for the sale of such real estate," approved March 5, A. D. 1877, have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it be not passed, a previous bill having been recommended for passage which proposes a repeal of the chapter of which this is amendatory.

JOHN S. GILMORE, *Chairman*.

By consent, Senate concurrent resolution No. 27, in relation to adjournment *sine die*, was taken up.

Mr. James, of Wyandotte, moved to amend by ceasing legislative business at 12 o'clock to-night.

Mr. Legate moved to postpone the consideration of resolution until next Monday at 10 o'clock A. M., which motion prevailed.

Mr. Waite, of Pawnee, moved that the House concur in Senate amendments to substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations therefor, which motion prevailed.



Mr. Legate moved that Senate amendments to House bill No. 183, An act to extend the time of payments of securities belonging to the State permanent school and University funds, and authorizing the commissioners of said funds to sell the United States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds, be concurred in, which motion prevailed.

Mr. Legate moved that the House non-concur in Senate amendments to substitute for House bill No. 77, An act to provide for the issue of union military bonds of the State of Kansas, for the purpose of paying the indebtedness of the State of Kansas, assumed and provided for by act approved February 26, 1867, being an act to provide for the assumption and settlement of the claims growing out of the Price raid claims of 1864, and the Indian expedition under Major General Curtis, in July and August, 1864, which motion prevailed.

Mr. Hamilton, of Marshall, moved that the House non-concur in Senate amendments to House bill No. 234, An act making an appropriation for a military contingent fund, and to provide for a patrol guard on the frontier. The motion prevailed.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate requests the return of House bill No. 239, An act making an appropriation to support the Institution for the Education of the Deaf and Dumb, and to provide for the current expenses thereof for the fiscal years ending June 30, 1880 and 1881.

HENRY BRANDLEY, *Secretary*.

The request of the Senate, as expressed in its message, was ordered complied with.

Mr. Riggs moved to reconsider the vote by which the House refused to concur in the Senate amendment to House bill No. 139, An act making an appropriation to the State University for the fiscal years ending June 30, 1880, and June 30, 1881.

Upon this motion the yeas and nays were demanded, and the roll was called, with the following result:

Whole number of votes cast, 97. Yeas, 65; nays, 32; absent or not voting, 32.

Gentlemen voting in the affirmative were: Messrs. Alexander,

Anderson of Shawnee, Armstrong, Ballard, Barrackman, Berry, Bevins, Bishop, Blackman, Bower, Breyfogle, Brinkman, Bruner, Bull, Butts, Clapp, Corbin, Danhaur, Eastland, Eggers, Farris, Faulkner, Fisler, Games, Gillespie, Godfrey, Greever, Greiffenstein, Hartshorne, Henderson, Hewins, Hodge, Hossack, James of Shawnee, James of Wyandotte, Keller, Legate, Loy, Manning, McClintick, McMillen, Miller, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Smith of Marshall, Stumbaugh, Towle, Waite of Pawnee, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Baker, Beaty, Biddle, Bissell, Blanchard, Boggs, Briggs, Bronson, Brown, Calvin, Ellison, Hamilton of Marshall, Hamilton of Norton, Hankins, Lawson, Leonard, Martin of Labette, McKay, Moore, Sallee, Scott, Smith of Bourbon, Stewart, Taylor, Wait of Lincoln, Wait of Linn, Walker, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Barber, Callen, Clark, Clogston, Congdon, Cool, Cunningham, Donahue, Eckles, Ewing, Gable (Frank M.), Gable (Thos. P.), Gilmore, Hall, Helmick, Huffaker, Humes, Hutchison, Kelley, Kennedy, Kollock, Majors, Martin of Kingman, Martin of Miami, McCrumb, Rice, Spilman, Stitt, Tallman, and Tucker.

So the motion to reconsider prevailed.

The question then being, Will the House concur in the Senate amendments? the roll was called, with the following result:

Whole number of votes cast, 101; constitutional majority, 65 Yeas, 67; nays, 34; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Berry, Bevins, Bishop, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Clogston, Danhaur, Donahue, Eastland, Eggers, Farris, Faulkner, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hartshorne, Henderson, Hewins, Hodge, Hossack, James of Shawnee, James of Wyandotte, Legate, Loy, Manning, McClintick, McMillen, Miller, Myers, Parsons, Price, Prunty, Randolph, Rath, Raybell, Richards, Riggs, Robb, Rood, Seaton, Selover, Shaw, Smith of

Marshall, Stitt, Stumbaugh, Towle, Waite of Pawnee, Watson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Baker, Beaty, Biddle, Bissell, Blanchard, Boggs, Bronson, Brown, Calvin, Cool, Corbin, Ellison, Hamilton of Marshall, Hamilton of Norton, Keller, Lawson, Leonard, Martin of Labette, McKay, Moore, Morgan, Sallee, Scott, Smith of Bourbon, Stewart, Taylor, Wait of Lincoln, Wait of Linn, Walker, White, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Bull, Clark, Congdon, Cunningham, Eckles, Ewing, Gable (Frank M.), Gable (Thos. P.), Hall, Hankins, Helmick, Huffaker, Humes, Hutchison, Kelley, Kennedy, Kollock, Majors, Martin of Kingman, Martin of Miami, McCrumb, Rice, Spilman, Tallman, and Tucker.

And so the amendments to the bill were concurred in. (The amendment added an additional item of \$10,000 for completing the State University building.)

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has amended House bill No. 239, An act making an appropriation to support the Institution for the Education of the Deaf and Dumb, and to provide for the current expenses thereof for the fiscal years ending June 30, 1880, and June 30, 1881, by increasing the amount of the item in the 18th line from "seven" to eight hundred dollars; also, in line 21 of same section 1, by increasing item from "two" to three hundred dollars, and has passed the bill as so amended, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 210, An act providing for changing the fronting of lots in incorporated cities.

House bill No. 303, An act vacating certain farming lands in Wyandotte city.

House bill No. 411, An act for the relief of persons therein named.

Substitute for House bill No. 168, An act relating to deeds and conveyances.

House bill No. 416, An act authorizing the Board of County Commissioners of Davis county to issue bonds for building bridges in said county.

House bill No. 194, An act to authorize the Township Trustees of Center township, Marion county, to expend the sum of one thousand dollars in improving the public highways in said township.

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny.

Substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named.

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge.

House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding the indebtedness of said county.

House bill No. 282, An act to dissolve the organization of a county therein named.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas.

House bill No. 244, An act for the relief of C. L. Easley, of Reno county, Kansas.

House bill No. 124, An act for the relief of G. H. McConnell.

House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879.

House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of



Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds.

House bill No. 370, An act for the encouragement of agriculture.

House bill No. 175, An act to locate a State road from Emporia to Council Grove.

House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge.

House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellvue, Pottawatomie county, Kansas.

House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county.

HENRY BRANDLEY, *Secretary*.

On motion, the Senate amendments to substitute for House bill No. 239, making an appropriation for the support of the Deaf and Dumb Asylum, etc., were concurred in.

On motion, Senate amendments to substitute for House bill No. 24, An act making an appropriation for the State Penitentiary for the fiscal years ending June 30, 1880, and June 30, 1881, and for deficiency for year ending June 30, 1879, were concurred in.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to request the House to return, for the further consideration of the Senate, the following bills:

House bill No. 327, An act establishing the width of a State road between Topeka and Eskridge.

House bill No. 298, An act vacating certain streets and alleys in the town of Bellvue, Pottawatomie county, Kansas.

HENRY BRANDLEY, *Secretary*.

#### SPECIAL ORDER FOR 10 A. M.

The hour having arrived for the consideration of the special order, being the Stumbaugh resolution, the resolution was read as follows:

*Whereas*, James A. Hossack, Representative, a member of this House from the Fortieth District, Crawford county, signed a written statement, on the 30th day of January last past, which bears date and reads as follows, to wit:

[Tefft House letter-head.]

TOPEKA, KAN., Jan. 30, 1879.

I hereby certify, that as a member of the Legislature of the State of Kansas, I was approached personally by John J. Ingalls for my vote, and was offered money providing I would vote for him. The sum agreed upon was one thousand dollars (\$1,000), five hundred to be paid down, and five hundred the first of March. I was referred by Mr. Ingalls to J. Merritt and J. Wilson, who paid me the five hundred, and Mr. Ingalls agreed to pay the remaining five hundred the first of March. J. A. HOSSACK.

(Witness to this signature, E. H. BROWN.)

*And whereas*, When the said James A. Hossack was called to the witness stand before the Investigating Committee of this House, he produced said statement and admitted the execution thereof as his own act and deed, but pretended under oath to have no knowledge of said paper, other than it must have been obtained from him on the night of the 27th of January last past, while he was laboring under the influence of liquor; and,

*Whereas*, It appears by the paper in question, also by receipt of Frank Playter to said Hossack, as well as the evidence of said Playter and E. H. Brown, that it is not true, as alleged by said Hossack, that the said paper was executed on the 27th of January, but on the contrary, that it was executed by said Hossack on the 30th of January, whilst the said Hossack was duly sober and in his right mind, and by the further fact that on comparison of his signature written before the committee with his signature to the said statement; and,

*Whereas*, The said James A. Hossack admits that he received \$200 from James Merritt, who, said Hossack says, was the agent of John J. Ingalls, but only as a loan, for which he gave no note or other evidence of indebtedness; and,

*Whereas*, Said statement was in the hands of Frank Playter for several weeks, when said Hossack demanded it, at which time he was asked by said Playter to tell the truth about it, and he replied, he would not unless he was paid for it; and again, that he had nerve enough to swear through against the truth: therefore, be it

*Resolved*, That it is the sense of this House that said James A. Hossack, by such conduct, has rendered himself unworthy of membership herein, and is hereby expelled from the House as Representative of said Fortieth District.

Mr. Biddle moved that the further consideration of the subject

be postponed until Monday at 10 o'clock A. M., and that in the meantime the evidence of E. W. Majors, F. M. Shaw, Frank Playter, E. H. Brown, J. A. Hossack, J. S. Merritt, John Francis, P. I. B. Ping, J. R. Hallowell, J. C. Wilson, and Judge Perkins, be printed, which motion did not prevail.

Mr. Waite, of Pawnee, offered the following resolution, and moved its adoption:

*Resolved*, That the evidence of Mr. Hossack and other witnesses in relation to his case be read by the Clerk. That Mr. Hossack be allowed fifteen minutes to address the House personally, and thirty minutes by counsel; that the mover of the resolution have twenty minutes to close, and the House then vote.

The resolution was not adopted.

The Chief Clerk proceeded with the reading of the testimony.

At the conclusion of the reading of the testimony of Mr. Frank Playter, E. W. Majors, F. M. Shaw, E. H. Brown, J. A. Hossack, John Francis, J. S. Merritt, P. I. B. Ping and J. R. Hallowell, the House took a recess until 1:30 P. M.

Upon the reassembling of the Legislature at 1:30 P. M., Mr. Biddle moved that the Sergeant-at-Arms be authorized to appoint such additional assistants as he may require during the remainder of the session. The motion prevailed.

Mr. Manning moved a call of the House, pending which, he so modified his motion so as to instruct the Sergeant-at-Arms to bring in the absentees.

The reading of the testimony having been concluded, the question was announced on the adoption of the resolution expelling Representative Hossack.

Upon this motion the yeas and nays were demanded, and had, with the following result:

Whole number of votes cast, 100. Yeas, 45; nays, 55; absent or not voting, 29.

Gentlemen voting in the affirmative were: Messrs. Albin, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Blackman, Bronson, Clapp, Eastland, Eggers, Farris, Faulkner, Gable (Frank M.), Hall, Hankins, Helmick, Hodge, Hutchison, Kennedy, McKay, McMillen, Miller, Moore, Morgan, Prunty, Randolph, Rath, Riggs, Robb, Sallee, Scott, Selover, Stumbaugh,

Taylor, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brown, Bruner, Butts, Callen, Calvin, Cool, Corbin, Danhaur, Donahue, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hewins, James of Shawnee, James of Wyandotte, Keller, Kelley, Lawson, Legate, Leonard, Manning, McClintick, McCrumb, Myers, Raybell, Rice, Rood, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Bishop, Brinkman, Bull, Clark, Clogston, Congdon, Cunningham, Eckles, Ellison, Ewing, Gable, (Thos. P.), Greifenstein, Henderson, Hossack, Huffaker, Humes, Kollock, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, Parsons, Price, Richards, Spilman, Tallman, Waite of Pawnee, Walker, and Wright.

(By unanimous consent, Mr. Hossack, and his colleague, Mr. Majors, were excused from voting.)

And so the motion was not adopted.

Mr. Biddle moved to reconsider the vote by which the resolution was defeated.

Mr. Legate moved to lay the motion on the table, which motion prevailed.

Mr. Legate then moved the adoption of the majority report, as submitted by Messrs. Hartshorne, Keller, and Randolph, and upon his motion called for the previous question, which was ordered.

Upon the adoption of the report, the yeas and nays were demanded and ordered. The call of the roll resulted as follows: Yeas, 62; nays, 44; absent or not voting, 23.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Berry, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Butts, Callen, Calvin, Cool, Corbin, Danhaur, Donahue, Fisler, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne,



Hewins, Hodge, James of Shawnee, James of Wyandotte, Keller, Kelley, Lawson, Legate, Leonard, Manning, McCrumb, Myers, Price, Raybell, Richards, Robb, Rood, Seaton, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, Wilson of Nemaha, and Wright.

Gentlemen voting in the negative were: Messrs. Albin, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Bissell, Clapp, Eastland, Eggers, Farris, Faulkner, Gable (Frank M.), Hall, Hamilton of Norton, Hankins, Helmick, Hutchison, Kennedy, Martin of Kingman, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Rice, Riggs, Sallee, Scott, Selover, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, Watson, White, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Bishop, Brinkman, Bull, Clark, Clogston, Congdon, Cunningham, Eckles, Ellison, Ewing, Gable (Thos. P.), Greiffenstein, Henderson, Hossack, Huffaker, Humes, Kollock, Loy, Majors, Martin of Labette, Martin of Miami, Spilman, and Tallman.

And so the majority report was adopted.

Mr. Biddle moved to reconsider the vote by which the report was adopted.

Mr. Legate moved to lay the motion on the table, which motion prevailed.

Mr. Waite, of Linn, offered the following resolution:

*Resolved*, That when the reports of the Investigating Committee, and the testimony taken by said committee in the progress of the investigation be published, that the Secretary of State be and hereby is instructed to send by mail to each member of the Senate and House of Representatives four copies thereof.

The resolution was adopted.

By consent, Messrs. Smith of Bourbon and Congdon of Harvey were excused from attendance during the balance of the session.

On motion of Mr. Sallee, Mr. Tallman and Mr. Baker were granted leave of absence during the remainder of the session, on account of sickness.

Mr. Randolph, chairman of the Committee on Investigation, offered the following resolution:

*Resolved*, That the Chief Clerk of this House forthwith furnish a *certified copy* of all the testimony taken before the Investigating Committee, and its reports thereon, to the State Printer for publication; and that the committee be relieved from further duty under and in pursuance of the resolution, adopted March 7th, in reference to the same subject.

The resolution was adopted.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate adheres to its amendment to substitute for House bill No. 77, An act to provide for the allowance of the claims growing out of the Price raid in 1864, and the defense of the State against Indians during said year, and making an appropriation therefor, and respectfully asks for a committee of conference thereon.

HENRY BRANDLEY, *Secretary*.

Conference committee on substitute for House bill No. 77: Senators Guthrie, Hallowell, and Bradley; Representatives Legate, Hamilton of Marshall, and Farris.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 290, An act to authorize Foote county, Kansas, to vote bonds for the erection of a school house, and furnishing the same.

HENRY BRANDLEY, *Secretary*.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate adheres to its amendments to House bill No. 234, An act making an appropriation for a military contingent fund, and to provide for a patrol guard on the frontier; and respectfully asks for a committee of conference to take into consideration the difference between the two houses.

HENRY BRANDLEY, *Secretary*.

Committee of conference on House bill No. 234: Senators Robinson, Guthrie, and Hadley; Representatives Waite of Pawnee, Eggers, and Armstrong.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has passed substitute for House bill No. 271, An act relating to roads in Marshall county, with amendment, by striking

out all after the enacting clause, and inserting a new bill on the same subject, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 199, An act to authorize the County Commissioners of Shawnee county to purchase a site for the State Reform School, and donate the same to the State of Kansas.

HENRY BRANDLEY, *Secretary*.

#### ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 190, An act to amend section 1, chapter 57 of the Laws of 1876, being "An act to amend section 21, chapter 23 of the General Statutes of the State of Kansas, relating to the powers and duties of corporations," have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 277, An act to validate the election held in Harper county, on the 5th day of November, 1878, temporarily locating the county seat at the town of Anthony, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 242, An act making an appropriation to the Kansas Orphan Asylum, located at Leavenworth, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Sen-

ate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

On motion of Mr. Anderson, of Shawnee, Senate bill No. 199, An act authorizing the County Commissioners of Shawnee county to purchase a site for a State Reform School, and donate the same to the State of Kansas, was considered engrossed, and placed on its final passage.

Whereupon the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 82; constitutional majority, 65. Yeas, 81; nays, 1; absent or not voting, 47.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Ballard, Barber, Barrackman, Beaty, Berry, Bishop, Blackman, Boggs, Bower, Brinkman, Bronson, Bull, Callen, Congdon, Danhaur, Donahue, Eastland, Eggers, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Legate, Leonard, Manning, Martin of Kingman, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rath, Raybell, Rice, Richards, Riggs, Robb, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Jackson, Wilson of Nemaha, Wright, and Speaker Clarke.

Mr. Bevins voted in the negative.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Biddle, Bissell, Blanchard, Breyfogle, Briggs, Brown, Bruner, Butts, Calvin, Clapp, Clark, Clogston, Cool, Corbin, Cunningham, Eckles, Ellison, Ewing, Farris, Gable (Thos. P.), Greiffenstein, Hankins, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, Kelley, Kollock, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, Miller, Price, Randolph, Rood, Spilman, Stewart, Tallman, Wait of Lincoln, and Woodard.

And so, a constitutional majority having voted in favor of the



passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. Stumbaugh moved to reconsider the vote by which Senate bill No. 184, An act to define and establish the judicial districts of the State of Kansas, providing for the election of judges therein, and fixing the terms of court thereof, failed to pass. The motion prevailed.

The question then being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 96; constitutional majority, 65. Yeas, 60; nays, 36; absent or not voting, 33.

Pending the announcement of the result, Mr. Biddle moved a call of the House.

The motion prevailed, and the Sergeant-at-Arms was directed to bring in the following absentees: Anderson of Shawnee, Anderson of Ellsworth, Armstrong, Bevins, Blanchard, Boggs, Briggs, Butts, Callen, Clapp, Clogston, Cunningham, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Greiffenstein, Hall, Helmick, Henderson, Hossack, James of Shawnee, Kelly, Kennedy, Lawson, Legate, Martin of Labette, Martin of Miami, McCrumb, Price, Richards, Smith of Marshall, Stewart, Tucker, Walker, and Wilson of Nemaha.

The Sergeant-at-Arms appeared with Messrs. Bevins and Stewart under arrest.

On motion of Mr. Bull, they were discharged from further custody.

Mr. Bull moved that further proceedings under the call be dispensed with, which motion prevailed.

The announcement of the result was made as above indicated.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Baker, Ballard, Barber, Beaty, Biddle, Bishop, Blackman, Boggs, Breyfogle, Brinkman, Brown, Bruner, Butts, Clapp, Cool, Eastland, Eggers, Ellison, Games, Gillespie, Gilmore, Hall, Hamilton of Marshall, Hamilton of Norton, Harts-horne, Helmick, Keller, Kennedy, Lawson, Legate, Majors, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Rath, Rice, Robb, Scott, Selover, Shaw, Smith of Bourbon, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of

Pawnee, Walker, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Anderson of Cherokee, Barrackman, Berry, Bevins, Bissell, Blanchard, Bower, Bronson, Bull, Callen, Calvin, Clogston, Corbin, Danhaur, Farris, Faulkner, Gable (Frank M.), Godfrey, Greever, Hankins, Hewins, Hodge, James of Wyandotte, Kelley, Leonard, Manning, Miller, Randolph, Raybell, Riggs, Rood, Sallee, Seaton, and Stitt.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Armstrong, Briggs, Clark, Congdon, Cunningham, Donahue, Eckles, Ewing, Fisler, Gable (Thos. P.) Greiffenstein, Henderson, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kollock, Loy, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, Price, Richards, Smith of Marshall, Spilman, Stewart, Tallman, Tucker, and Watson.

The bill, failing to receive a constitutional majority, did not pass.

Mr. Gilmore moved that the rules be suspended, and that Senate bill No. 104, An act to amend section 127 of article 18 of chapter 34 of the Laws of 1876, in relation to lands sold for taxes, be read the first and second time, and placed upon third reading now. The motion prevailed, and the bill was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 78; constitutional majority, 65. Yeas, 77; nays, 1; absent or not voting, 51.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clogston, Cool, Danhaur, Eggers, Ellison, Farris, Gable (Frank M.), Games, Gillespie, Gilmore, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hutchison, Keller, Kelley, Legate, Leonard, Manning, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Rath, Rice, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn,

Waite of Pawnee, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Mr. Hodge voted in the negative.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Baker, Bishop, Boggs, Brown, Clapp, Clark, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Faulkner, Fisler, Gable (Thos. P.), Godfrey, Greiffenstein, Hall, Henderson, Hewins, Hossack, Huffaker, Humes, James of Shawnee, James of Wyandotte, Kennedy, Kollock, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, Parsons, Price, Randolph, Raybell, Richards, Riggs, Spilman, Stumbaugh, Tallman, Walker, Watson, White, and Willey.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 158, An act to amend section 2 of chapter 26 of the General Statutes, concerning the location and removal of county seats, with an amendment to section 1, by striking out the words "or township" therefrom, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Butts, the Senate amendment to House bill No. 158 was concurred in.

On motion of Mr. Faulkner, the House proceeded to the consideration of appropriation bills.

Senate bill No. 187, An act making appropriations for paying for the services, transportation and subsistence of State militia, and other expenses incurred in suppressing the railroad strike in April, 1878, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 65; nays, 7; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Alexander,

Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Bronson, Bruner, Butts, Callen, Calvin, Clogston, Cool, Eastland, Eggers, Ellison, Faulkner, Gable (Frank M.), Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Helmick, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Legate, Leonard, Majors, Manning, Martin of Kingman, McKay, Miller, Moore, Morgan, Myers, Rice, Robb, Scott, Seaton, Selover, Shaw, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bower, Farris, Hamilton of Marshall, Prunty, Sallee, and Walker.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Boggs, Briggs, Brinkman, Brown, Bull, Clapp, Clark, Congdon, Corbin, Cunningham, Danhaur, Donahue, Eckles, Ewing, Fisler, Gable (Thos. P.), Games, Greever, Greiffenstein, Hall, Hankins, Henderson, Hewins, Hossack, Hufaker, Humes, Kennedy, Kollock, Lawson, Loy, Martin of Labette, Martin of Miami, McClintick, McCrumb, McMillen, Parsons, Price, Randolph, Rath, Raybell, Richards, Riggs, Rood, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Tucker, Watson, and Willey.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 188, An act making appropriations for State printing for the deficiency to June 30, 1878, the deficiency of June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 73; constitutional majority, 65. Yeas, 73; nays, 0; absent or not voting, 56.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Berry, Biddle, Blackman, Boggs, Bower, Breyfogle, Bronson, Bruner, Bull, Butts, Callen, Cool, Corbin, Danhaur,



Eggers, Ellison, Farris, Faulkner, (Gable Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hutchison, James of Shawnee, Keller, Legate, Leonard, Majors, Manning, Martin of Kingman, Miller, Moore, Morgan, Myers, Price, Prunty, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Watson, White, Wilson of Jackson, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Ballard, Barber, Barrackman, Beaty, Bevins, Bishop, Bissell, Blanchard, Briggs, Brinkman, Brown, Calvin, Clapp, Clark, Clogston, Congdon, Cunningham, Donahue, Eastland, Eckles, Ewing, Fisler, Gable (Thos. P.), Hall, Henderson, Hewins, Hodge, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kennedy, Kollock, Lawson, Loy, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, McMillen, Parsons, Randolph, Rath, Raybell, Rice, Richards, Smith of Bourbon, Spilman, Tallman, Tucker, Willey, and Wright.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 177, An act making appropriations for the Executive and Judiciary departments of the State for the fiscal years ending June 30, 1880, and June 30, 1881, and for deficiencies from the fiscal years ending June 30, 1878, and June 30, 1879, was read.

By unanimous consent the bill was amended as follows: Amend 9th line of 1st section by striking out "\$5,000," and inserting "\$3,000," for contingent fund for Governor.

Mr. Biddle moved that the item for clerk hire in the Governor's office, for fiscal year ending June 30, 1880, be increased from \$3,700 to \$4,000. The motion did not prevail.

Mr. Clapp moved to increase the item for clerk hire for 1881, from \$3,700 to \$3,800, which motion prevailed.

Mr. McKay moved to increase the salary of the engineer to \$800. The motion did not prevail.

Mr. Legate moved to increase the item for deficiency in postage

for Attorney General's office from three cents to \$30, which motion prevailed.

Mr. Legate moved to increase item for clerk hire in the office of the State Superintendent of Public Instruction for fiscal years 1880 and 1881, from \$1,200 to \$2,400, and add item of \$500 for deficiency for fiscal year ending June 30, 1879. The motion prevailed.

Mr. Manning moved to strike out "\$100," and insert "\$200," for deficiency in postage for same office, which motion prevailed.

Mr. Anderson, of Cherokee, moved to increase item of clerk hire in Insurance Department to \$2,400, for fiscal years 1880 and 1881, which motion prevailed.

Mr. Anderson, of Cherokee, moved to strike out item of \$300, providing mileage for members of the State Board of Agriculture for each of the fiscal years ending June 30, 1880 and 1881. The motion did not prevail.

Mr. Faulkner moved the following proviso as an additional amendment to the bill:

"Provided, that the unexpended balance of the appropriation made to the State Board of Agriculture for the fiscal year ending June 30, 1880, may be carried forward, and expended in the fiscal year next ensuing.

The amendment was adopted.

Mr. Sallee moved to reconsider the vote by which item of clerk hire in the Attorney General's office was adopted, which motion did not prevail.

Mr. Hodge moved to reconsider the vote by which the item of salary for Janitor of the State House was adopted, and raise the same to \$800, which motion prevailed.

The bill as amended was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 65. Yeas, 83; nays, 6; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Bevins, Biddle, Bishop, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Calvin, Cool, Danhaur, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein,

Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Lawson, Legate, Leonard, Manning, Martin of Kingman, McClintick, McCrumb, McKay, McMillen, Miller, Moore, Myers, Price, Prunty, Randolph, Rath, Rice, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stewart, Stitt, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Cherokee, Bissell, Blackman, Callen, Ellison, and Majors.

Gentlemen absent or not voting were: Messrs. Baker, Beaty, Berry, Briggs, Brown, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Eggers, Ewing, Fisler, Gable (Thos. P.), Hall, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Kelley, Kollock, Loy, Martin of Labette, Martin of Miami, Morgan, Parsons, Raybell, Richards, Spilman, Stumbaugh, Tallman, Tucker, Walker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill, as amended, passed, and the title being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Mr. Riggs introduced House bill No. 420, An act for the relief of Mrs. Anna Larsson, which was read the first and second time, and ordered to a third reading.

Senate bill No. 193, An act making appropriation to pay the several counties of the State the expenses incurred in the maintenance of insane persons, was read the third, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 82; constitutional majority, 65. Yeas, 81; nays, 1; absent or not voting, 47.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Barber, Beaty, Bevins, Bissell, Blackman, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clogston, Cool, Danhaur, Donahue, Eggers, Ellison, Farris, Faulkner, Gable (Frank M.), Games Gillespie, Gilmore, Godfrey, Greiffenstein, Hamilton of Mar-

shall, Hamilton of Norton, Hartshorne, Hankins, Hodge, Hutchison, James of Shawnee, Keller, Kennedy, Lawson, Legate, Leonard, Manning, Martin of Kingman, McClintick, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Randolph, Rath, Rice, Riggs, Robb, Sallee, Scott, Selover, Shaw, Smith of Bourbon, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Willey, Wright, and Speaker Clarke.

Mr. Biddle, voted in the negative.

Gentlemen absent or not voting were: Messrs. Armstrong, Baker, Ballard, Barrackman, Berry, Bishop, Blanchard, Briggs, Brown, Clapp, Clark, Congdon, Corbin, Cunningham, Eastland, Eckles, Ewing, Fisler, Gable (Thos. P.), Greever, Hall, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kollock, Loy, Majors, Martin of Labette, Martin of Miami, McCrumb, Raybell, Richards, Rood, Seaton, Spilman, Stewart, Tallman, Tucker, Wait of Linn, Wilson of Jackson, Wilson of Nemaha, and Woodard.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 198, An act to provide revenue for the fiscal years ending June 30, 1880, and June 30, 1881.

HENRY BRANDLEY, *Secretary*.

Senate bill No. 194, An act making appropriation to pay per diem and mileage of Trustees of charitable and reformatory institutions of the State, Regents of the State Agricultural College, Regents of the State University, Regents of the State Normal School at Emporia, for deficiencies from the fiscal years ending June 30, 1879, and for the fiscal year ending June 30, 1880, and June 30, 1881, and for per diem and mileage of Directors of the Penitentiary, for the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:



<sup>1</sup> Whole number of votes cast, 81; constitutional majority, 65. Yeas, 68; nays, 13; absent or not voting, 48.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Blackman, Blanchard, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Butts, Calvin, Clogston, Cool, Corbin, Danhaur, Donahue, Eastland, Eggers, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Godfrey, Greiffenstein, Hamilton of Norton, Hartshorne, Hankins, Hodge, Hutchison, James of Shawnee, Legate, Keller, Kennedy, McKay, McMillen, Miller, Morgan, Myers, Price, Prunty, Randolph, Rath, Rice, Riggs, Robb, Scott, Seaton, Shaw, Stitt, Towle, Waite of Pawnee, Walker, Watson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Callen, Gilmore, Hamilton of Marshall, Helmick, Leonard, Manning, Moore, Parsons, Rood, Sallee, Smith of Bourbon, Taylor, and White.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Armstrong, Baker, Bishop, Bissell, Briggs, Brown, Bull, Clapp, Clark, Congdon, Cunningham, Eckles, Ellison, Ewing, Fisler, Gable (Thos. P.), Greever, Hall, Henderson, Hewins, Hossack, Huffaker, Humes, James of Wyandotte, Kelley, Kollock, Lawson, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, Raybell, Richards, Selover, Smith of Marshall, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

By consent, Mr. Greever offered House concurrent resolution No. 45, providing for a special joint committee to confer with the Common Council of Kansas City, in relation to the annexation of Kansas City, Mo., to Kansas, and moved its adoption.

Mr. Manning moved an amendment that said committee should work "without compensation."

The resolution as so amended was adopted.

Mr. Gilmore offered the following resolution, and moved its adoption:

*Whereas*, The House has instructed the Chief Clerk to furnish the State Printer a certified copy of the testimony taken by the Senatorial investigating committee, without providing that he receive compensation for such labor; therefore, be it

*Resolved*, That the Chief Clerk be allowed ten cents per folio of 100 words for making said certified copy, the same to be paid out of the appropriation for legislative expenses, on the certificate of the Secretary of State that the work aforesaid is done.

Mr. Faulkner moved as an amendment that an item covering the amount be inserted in the miscellaneous appropriation bill, which motion prevailed.

The resolution as amended was adopted.

Mr. Alexander offered the following resolution, and moved its adoption:

*Whereas*, J. F. Burris was appointed Assistant Postmaster of the House, and has served faithfully during the entire session, but did not take the oath of office until the 24th day of January, 1879: therefore, in order to enable him to receive pay for his services, be it

*Resolved*, That J. F. Burris, Assistant Postmaster, be allowed pay for the entire session of Legislature, and that the Chief Clerk be instructed to certify the whole time of this session to the Auditor of State.

The resolution was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate, by reason of its failure to adopt the report of the conference committee on House bill No. 77, relating to claims growing out of the Price raid, etc., has appointed a new conference committee on the part of the Senate, and respectfully requests the appointment of a like committee on the part of the House.

HENRY BRANDLEY, *Secretary*.

Second conference committee on House bill No. 77: Senators Matthewson, Harris, and Gillett.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in the report of the conference committee on House bill No. 234, An act making an appropriation for a military contingent fund, and providing for a patrol guard on the frontier, which increases the appropriation from \$15,000 to \$20,000.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25, of the General Statutes of 1868," being an act relating to counties and county officers, of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys, with the following amendments: Amend section 1, by striking out of line 7, "eighteen hundred," and inserting in lieu thereof, "two thousand;" also, by striking out in section 1 all of the following lines: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and the words "expenses and no more," and respectfully desire your concurrence therein.

HENRY BRANDLEY, *Secretary*.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL  
NO. 234.

Mr. Waite, of Pawnee, submitted the following report from the committee of conference on House bill No. 234.

MR. SPEAKER: The conference committee for the consideration of the disagreement of the Senate and House upon House bill No. 234, An act making an appropriation for a military contingent fund, etc., have had the same under consideration, and report that the Senate amendment shall be retained, with the following additional: In the first line of section 1, strike out "fifteen thousand," and insert "twenty thousand" dollars.

CHAS. ROBINSON,

*Chairman on part of Senate.*

D. H. WAITE,

*Chairman on part of House.*

On motion, the report of the committee was adopted.

Mr. Hamilton, of Marshall, moved that the House concur in Senate amendments to substitute for House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas for the purpose of paying the indebtedness of the State

of Kansas, assumed and provided for by an act approved February 26, 1867, being "An act to provide for the assumption and settlement of the claims growing out of the Price raid claims of 1864, and the Indian expedition under Major General Curtis, in July and August, 1864.

Upon this motion the yeas and nays were demanded and had, with the following result: Yeas, 28; nays, 41; absent or not voting, 60.

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Ellsworth, Barber, Bevins, Bissell, Blackman, Bull, Calvin, Clogston, Eckles, Eggers, Faulkner, Hamilton of Marshall, Hartshorne, Kennedy, Legate, McMillen, Miller, Moore, Myers, Prunty, Rood, Smith of Marshall, Stumbaugh, Taylor, Wait of Lincoln, Watson, and White.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Armstrong, Ballard, Barrackman, Berry, Biddle, Boggs, Bower, Breyfogle, Brinkman, Bruner, Callen, Cool, Danhaur, Donahue, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Norton, Hankins, Hodge, James of Shawnee, James of Wyandotte, Keller, Leonard, Manning, Morgan, Price, Rath, Rice, Robb, Sallee, Shaw, Smith of Bourbon, Stitt, Towle, Walker, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Shawnee, Baker, Beaty, Bishop, Blanchard, Briggs, Bronson, Brown, Butts, Clapp, Clark, Congdon, Corbin, Cunningham, Eastland, Ellison, Ewing, Farris, Fisler, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, Kelley, Kollock, Lawson, Loy, Majors, Martin of Kingman, Martin of Labette, Martin of Miami, McClintick, McCrumb, McKay, Parsons, Randolph, Raybell, Richards, Riggs, Scott, Seaton, Selover, Spilman, Stewart, Tallman, Tucker, Wait of Linn, Waite of Pawnee, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, and Wright.

The motion to concur did not prevail.

Mr. Biddle moved that the House non-concur, and that a new conference committee be appointed.

The motion prevailed, and a conference committee on substitute for House bill No. 77 was appointed, as follows: Messrs. Biddle, Shaw, and Alexander.



## MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 249, An act providing for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies.

House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justice court against garnishees," chapter 163, Laws of 1872, providing the manner of service in certain cases.

House bill No. 112, An act to amend an act for the regulation and support of common schools, approved March 4, A. D. 1876.

House bill No. 153, An act authorizing the County Commissioners of Phillips county to fund its indebtedness.

House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875.

Substitute for House bill No. 120, An act removing the political disabilities of Robert N. Smith, S. J. Adkins, J. B. Brooks, Jacob Acker, Frank Mastin, John Trout, W. P. Barley, T. B. Campbell, J. F. Martin, M. S. Ely, J. H. Trout, A. J. Gardenline, B. F. Furgeson, J. B. Brooks, S. D. Leslie, S. K. Hancock, J. M. Peters, T. W. Walker, Ignatius B. Walker, J. B. Cannon, Thos. B. Ball, R. J. Routon, J. G. Bowers, W. B. Roper, S. W. Lard, A. L. Duncan, J. C. Byrd, W. C. Adams, with an amendment, by changing the title to read: "An act removing the political disabilities of certain persons therein named," and respectfully requests your concurrence therein.

Has indefinitely postponed House bill No. 61, An act for the relief of defaulting purchasers of school lands.

HENRY BRANDLEY, *Secretary*.

On motion of Mr. Stumbaugh, the House at 6:25 P. M. adjourned.

## EVENING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 8, 1879. }  
7:30 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Baker, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Callen, Calvin, Cool, Danhaur, Eggers, Ellison, Farris, Faulkner, Gable (Frank M.), Games, Gillespie, Godfrey, Hall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Legate, Leonard, Manning, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Myers, Parsons, Price, Prunty, Rath, Raybell, Rice, Richards, Robb, Sallee, Scott, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Barrackman, Blackman, Bower, Briggs, Brown, Bull, Butts, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Fisler, Gable (Thos. P.), Gilmore, Greever, Greiffenstein, Hamilton of Marshall, Harts-horne, Henderson, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kollock, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, Randolph, Riggs, Rood, Selover, Smith of Bourbon, Spilman, Tallman, Tucker, Watson, White, and Wilson of Jackson.

## HOUSE BILL NO. 77.

Mr. Biddle, chairman of the House committee of conference on House bill No. 77, relating to claims growing out of the Price raid etc., submitted the following report:

MR. SPEAKER: Your committee on conference, to whom was referred the disagreement between the two houses on House bill

No. 77, have had the same under consideration, and beg leave to report that it is the opinion of your committee that the Senate recede from its amendment.

(Signed) ANGELL MATTHEWSON,  
*Chairman on part of Senate.*

W. R. BIDDLE,  
*Chairman on part of House.*

On motion of Mr. Ballard, the report of the committee was agreed to.

Senate bill No. 195, An act making appropriation for conveying persons to the Penitentiary for the deficiency from the fiscal years ending June 30, 1878, and June 30, 1879, and for the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 69; constitutional majority, 65. Yeas, 69; nays, 0; absent or not voting, 60.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Ballard, Berry, Biddle, Bishop, Bissell, Blanchard, Boggs, Breyfogle, Brinkman, Bronson, Bruner, Callen, Calvin, Cool, Danhaur, Eggers, Ellison, Farris, Faulkner, Games, Gillespie, Hall, Hamilton of Norton, Hankins, Helmick, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Legate, Leonard, Manning, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Richards, Robb, Sallee, Scott, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Tallman, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Baker, Barber, Barrackman, Beaty, Bevins, Blackman, Bower, Briggs, Brown, Bull, Butts, Clapp, Clark, Clogston, Congdon, Corbin, Cunningham, Donahue, Eastland, Eckles, Ewing, Fisler, Gable (Frank M.), Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hartshorne, Henderson, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kollock, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, Parsons, Randolph, Riggs, Rood, Seaton, Selover,

Smith of Bourbon, Spilman, Tucker, Wait of Lincoln, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

House bill No. 198, An act to provide revenue for the fiscal years ending June 30, 1880, and June 30, 1881, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 80; constitutional majority, 65; Yeas, 71; nays, 9; absent or not voting, 49.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Armstrong, Ballard, Beaty, Berry, Bevins, Biddle, Bishop, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Butts, Callen, Clogston, Danhaur, Eastland, Eggers, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Hall, Hamilton of Norton, Hartshorne, Hodge, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Legate, Leonard, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Myers, Price, Prunty, Rath, Raybell, Rice, Riggs, Robb, Sallee, Scott, Seaton, Shaw, Stewart, Stitt, Stumbaugh, Taylor, Wait of Lincoln, Waite of Pawnee, Walker, Watson, White, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Barber, Bruner, Cool, Ellison, Greever, Manning, Parsons, Richards, and Wait of Linn.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Baker, Barrackman, Bissell, Bower, Brown, Bull, Calvin, Clapp, Clark, Congdon, Corbin, Cunningham, Donahue, Eckles, Ewing, Farris, Gable (Thos. P.), Gilmore, Godfrey, Greiffenstein, Hamilton of Marshall, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Hutchison, Kollock, Lawson, Loy, Majors, Martin of Labette, Martin of Miami, McClintick, McCrumb, Randolph, Rood, Selover, Smith of Bourbon, Smith of Marshall, Spilman, Tallman, Towle, Tucker, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the



passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 196, An act making appropriations for miscellaneous expenses.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 279, An act regarding the distribution and sale of Supreme Court Reports, with an amendment thereon noted.

And has failed to pass House bill No. 226, An act to amend section 1 of chapter 81, Statutes of 1868, and substitute for House bills Nos. 86 and 188, An act to amend section 1 of chapter 35 of the Statutes of 1868, being an act entitled "An act to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors." . HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to ask the House to return to the Senate for its further consideration Senate bill No. 167, An act making appropriations to the State Agricultural College.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate rejects the report of the committee on conference on substitute for House bill No. 77, An act to provide for the issue of Union military bonds of the State of Kansas for the purpose of paying the indebtedness of the State of Kansas, assumed and provided for by act approved February 26, 1867, being "An act to provide for the assumption and settlement of the claims growing out of the Price raid claims of 1864, and the Indian expedition under Major General Curtis in July and August, 1864." HENRY BRANDLEY, *Secretary*.

Mr. Biddle moved that the House concur in the Senate

amendments to substitute for House bill No. 77, relating to losses growing out of the Price raid, etc. The motion prevailed.

Mr. Manning moved that the request of the Senate in regard to House bill No. 167, making an appropriation to the State Agricultural College, etc., be complied with. The motion prevailed.

Mr. Biddle moved to reconsider the vote by which the Senate amendments to House bill No. 77 were concurred in.

Mr. Ballard moved to lay the motion on the table, which motion prevailed.

By consent, Mr. Watson was granted leave of absence during the remainder of the session, on account of sickness in his family.

Mr. Alexander moved that the House adjourn. The motion did not prevail.

Mr. Manning moved that the House take a recess until 10:30 o'clock. The motion did not prevail.

Mr. James, of Shawnee, moved that the House concur in Senate amendments to House bill No. 236, An act to amend an act entitled "An act to amend section 139 of article 10, chapter 25, of the General Statutes of 1868," being an act relating to counties and county officers, of the Session Laws of 1875, approved March 5, 1875, relating to fees and salaries of county attorneys. The motion prevailed.

By consent, Senate bill No. 196, An act making appropriation for miscellaneous expenses, was read the first and second time.

Whereupon Mr. Biddle moved that the rules be suspended, and the bill be considered as on its final passage now, subject to amendment and debate. The motion prevailed.

The bill was read by the Clerk.

Mr. Ballard offered the following amendment to item sixth, which was agreed to:

*"Provided, That no fees shall be paid out of the money appropriated in item 6, except such as are allowed by law in criminal cases, and upon sworn itemized vouchers approved by the Attorney General."*

Mr. Manning moved to strike out item 8. The motion did not prevail.

Mr. Manning moved to strike out the ninth item, which motion prevailed.

Mr. Biddle moved to strike out the eleventh item, which motion prevailed.

On motion, the further consideration of this bill was postponed until to-morrow.

MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 167, An act making an appropriation for the State Agricultural College for the fiscal years ending June 30, 1880, and June 30, 1881.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in the first, second, third, fourth and eleventh, and refuses to concur in the fifth, sixth, seventh, eighth, ninth and tenth amendments, as offered by the House to Senate bill No. 177, An act making appropriation for the Executive and Judicial departments. HENRY BRANDLEY, *Secretary*.

Mr. Manning moved that the House adhere to its original amendments to the said Senate bill No. 177, and appoint a committee of conference to adjust the disagreement.

The motion prevailed, and Messrs. Manning, Ballard and Hewins were appointed by the Speaker.

On motion of Mr. Robb, the House, at 9:45 o'clock P. M., adjourned.

WIRT W. WALTON, *Chief Clerk*.

## FORTY-THIRD DAY.

## MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 10, 1879. }  
10 o'clock A. M. }

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Breyfogle, Briggs, Brinkman, Bronson, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Danhauf, Donahue, Eastland, Eggers, Farris, Faulkner, Fisler, Gable (Frank M.), Games, Gillespie, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hankins, Helmick, Hewins, Hodge, Humes, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Lawson, Legate, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Raybell, Riggs, Robb, Rood, Sallee, Scott, Seaton, Selover, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Towle, Tucker, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Albin, Anderson of Shawnee, Baker, Bevins, Bower, Brown, Clark, Congdon, Cunningham, Eckles, Ellison, Ewing, Gable (Thos. P.), Hall, Henderson, Hossack, Huffaker, Kollock, Leonard, Loy, Martin of Miami, McClintick, Miller, Price, Rice, Richards, Smith of Bourbon, Spilman, Tallman, Wait of Lincoln, Walker, and Watson.

Quorum present.



Pending the reading of yesterday's journal, on motion, its further reading was dispensed with.

Mr. Clapp, chairman of the Committee on Public Lands, submitted the following report:

MR. SPEAKER: Your Committee on Public Lands having been instructed "to examine into the present condition of all the lands granted to and belonging to the State of Kansas for the benefit of the public schools, colleges, University and Normal Schools, or to any educational institutions of the State; and that they be requested to ascertain the number of acres belonging to each fund and the value of the same, as near as they can be ascertained; together with any other facts relative to the public funds of the State as, in their judgment, will be calculated to enable this body to act intelligently upon this subject; and that they report by bill or otherwise at as early a day as possible," respectfully report that they have made careful investigation of the books of the State Land Office, and herewith submit the following information as the result of their labors

DEXTER E. CLAPP,

*Chairman.*

TOPEKA, March 10, 1879.

#### STATE UNIVERSITY LANDS.

WABAUNSEE COUNTY.		
Number of acres.....		3,200
Value.....		\$11,320
Average per acre.....		3.537
WOODSON COUNTY.		
Number of acres.....		15,200
Value.....		\$68,604
Average per acre.....		4.512
ANDERSON COUNTY.		
Number of acres.....		16,320
Value.....		\$55,236
Average per acre.....		3.383
LYON COUNTY.		
Number of acres.....		3,200
Value.....		\$9,960
Average per acre.....		3.112
COFFEY COUNTY.		
Number of acres.....		5,280
Value.....		\$16,624
Average per acre.....		3.128
ALLEN COUNTY.		
Number of acres.....		160
Value.....		\$640
Average per acre.....		4.00

## SUMMARY.

Whole number of acres.....	43,360
Value of same.....	\$162,384
Average price per acre.....	3.745
Number of acres sold.....	2,560
Amount purchase money.....	\$9,904
Number of acres patented.....	40
Average per acre land sold.....	\$3.868
Average per acre less 25 per cent.....	2.809

## LANDS OF THE STATE AGRICULTURAL COLLEGE.

Number of acres.....	89,996.45
Number of acres sold.....	62,032.21
Number of acres patented.....	35,850.95
Amount sold for.....	\$297,827.15
Average per acre sold.....	4.801
Sold, not patented.....	26,181.26
Unsold.....	27,964.24

## LANDS OF THE STATE NORMAL SCHOOL.

Number of acres.....	38,929.85
Number of acres sold.....	7,890
Amount sold for.....	\$54,994.38
Average per acre sold.....	6.97
Unsold.....	31,039.85

## LANDS BELONGING TO THE COMMON SCHOOLS,

(By counties, alphabetically arranged.)

## ALLEN COUNTY.

Number of acres sold.....	18,240
Number of acres patented.....	7,760
Amount sold for.....	\$67,233.00
Average per acre.....	3.685

## ANDERSON COUNTY.

Number of acres sold.....	15,908
Number of acres patented.....	6,198
Amount sold for.....	\$62,130.92
Average per acre.....	3.905

## ATCHISON COUNTY.

Number of acres sold.....	6,785
Number of acres patented.....	5,725
Amount sold for.....	\$34,122.25
Average per acre.....	5.029

## BROWN COUNTY.

Number of acres sold.....	12,360
Number of acres patented.....	7,584
Amount sold for.....	\$55,380.00
Average per acre.....	4.480

## BOURBON COUNTY.

Number of acres sold.....	13,920
Number of acres patented.....	8,148
Amount sold for.....	\$63,844.51
Average per acre.....	4.586

## BUTLER COUNTY.

Number of acres sold.....	19,485
Number of acres patented.....	3,245
Amount sold for.....	\$74,773.00
Average per acre.....	3.837

BARTON COUNTY.		
Number of acres sold.....	7,300	
Number of acres patented.....	40	
Amount sold for.....	\$33,468.45	
Average per acre.....	4.584	
CLAY COUNTY.		
Number of acres sold.....	17,726.69	
Number of acres patented.....	5,216.21	
Amount sold for.....	\$59,643.76	
Average per acre.....	3.364	
CHASE COUNTY.		
Number of acres sold.....	5,095	
Number of acres patented.....	1,720	
Amount sold for.....	\$25,567.05	
Average per acre.....	5.018	
COFFEY COUNTY.		
Number of acres sold.....	13,995	
Number of acres patented.....	2,911	
Amount sold for.....	\$66,434.12	
Average per acre.....	4.746	
CHAUTAUQUA COUNTY.		
Number of acres sold.....	5,240	
Number of acres patented.....	1,320	
Amount sold for.....	\$15,850.00	
Average per acre.....	4.024	
CLOUD COUNTY.		
Number of acres sold.....	22,603.89	
Number of acres patented.....	4,209.50	
Amount sold for.....	\$83,954.65	
Average per acre.....	3.714	
COWLEY COUNTY.		
Number of acres sold.....	17,578	
Number of acres patented.....	3,505	
Amount sold for.....	\$60,773.00	
Average per acre.....	3.457	
DONIPHAN COUNTY.		
Number of acres sold.....	7,952	
Number of acres patented.....	5,898	
Amount sold for.....	\$40,562.96	
Average per acre.....	5.102	
DOUGLAS COUNTY.		
Number of acres sold.....	9,282	
Number of acres patented.....	5,562	
Amount sold for.....	\$62,866.00	
Average per acre.....	6.772	
DAVIS COUNTY.		
Number of acres sold.....	7,520	
Number of acres patented.....	1,920	
Amount sold for.....	\$30,182.00	
Average per acre.....	4.013	
DICKINSON COUNTY.		
Number of acres sold.....	21,469	
Number of acres patented.....	4,441.45	
Amount sold for.....	\$99,646.65	
Average per acre.....	4.641	

## ELLSWORTH COUNTY.

Number of acres sold.....	3,680
Number of acres patented.....	None.
Amount sold for.....	\$15,092.00
Average per acre.....	4.101

## ELLIS COUNTY.

Number of acres sold.....	1,140
Number of acres patented.....	160
Amount sold for.....	\$5,760 00
Average per acre.....	4.000

## ELK COUNTY.

Number of acres sold.....	5,040
Number of acres patented.....	880
Amount sold for.....	\$16,399.00
Average per acre.....	3.233

## FRANKLIN COUNTY.

Number of acres sold.....	8,097.78
Number of acres patented.....	5,297.78
Amount sold for.....	\$42,962.14
Average per acre.....	5.181

## GREENWOOD COUNTY.

Number of acres sold.....	11,980
Number of acres patented.....	4,455
Amount sold for.....	\$49,854.85
Average per acre.....	4.161

## HARVEY COUNTY.

Number of acres sold.....	12,840
Number of acres patented.....	2,480
Amount sold for.....	\$58,196.00
Average per acre.....	4.532

## JEWELL COUNTY.

Number of acres sold.....	21,412.79
Number of acres patented.....	2,142.73
Amount sold for.....	\$74,004.03
Average per acre.....	3.456

## JACKSON COUNTY.

Number of acres sold.....	7,195
Number of acres patented.....	2,210
Amount sold for.....	\$31,148.25
Average per acre.....	4.329

## JOHNSON COUNTY.

Number of acres sold.....	10,560
Number of acres patented.....	6,340
Amount sold for.....	\$67,595.50
Average per acre.....	4.714

## LABETTE COUNTY.

Number of acres sold.....	13,561.84
Number of acres patented.....	5,360
Amount sold for.....	\$47,142.00
Average per acre.....	3.476

## LINN COUNTY.

Number of acres sold.....	24,180.94
Number of acres patented.....	12,141.44
Amount sold for.....	\$83,507.68
Average per acre.....	3.453



LYON COUNTY.		
Number of acres sold.....	16,278.25	
Number of acres patented.....	6,100.50	
Amount sold for.....	\$73,386.81	
Average per acre.....	4.631	

LINCOLN COUNTY.		
Number of acres sold.....	5,870	
Number of acres patented.....	370	
Amount sold for.....	\$25,568.86	
Average per acre.....	4.355	

MARION COUNTY.		
Number of acres sold.....	17,080	
Number of acres patented.....	4,360	
Amount sold for.....	\$60,465.00	
Average per acre.....	3.541	

MITCHELL COUNTY.		
Number of acres sold.....	19,560	
Number of acres patented.....	960	
Amount sold for.....	\$84,972.34	
Average per acre.....	4.344	

M'PHERSON COUNTY.		
Number of acres sold.....	25,081	
Number of acres patented.....	3,141	
Amount sold for.....	\$99,388.33	
Average per acre.....	3.962	

MARSHALL COUNTY.		
Number of acres sold.....	30,540.29	
Number of acres patented.....	13,707.56	
Amount sold for.....	\$99,841.17	
Average per acre.....	3.269	

MIAMI COUNTY.		
Number of acres sold.....	6,496.55	
Number of acres patented.....	5,533.60	
Amount sold for.....	\$27,194.25	
Average per acre.....	4.184	

MORRIS COUNTY.		
Number of acres sold.....	6,160	
Number of acres patented.....	1,100	
Amount sold for.....	\$25,502.00	
Average per acre.....	4.142	

MONTGOMERY COUNTY.		
Number of acres sold.....	18,286	
Number of acres patented.....	7,606	
Amount sold for.....	\$56,585.75	
Average per acre.....	3.094	

NEOSHO COUNTY.		
Number of acres sold.....	17,728.40	
Number of acres patented.....	6,627.40	
Amount sold for.....	\$61,622.81	
Average per acre.....	3.419	

NEMAHA COUNTY.		
Number of acres sold.....	25,565	
Number of acres patented.....	10,960	
Amount sold for.....	\$125,686.82	
Average per acre.....	4.916	

## OSAGE COUNTY.

Number of acres sold.....	8,040
Number of acres patented.....	4,841
Amount sold for.....	\$36,659.22
Average per acre.....	4.559

## OTTAWA COUNTY.

Number of acres sold.....	15,780
Number of acres patented.....	2,445
Amount sold for.....	\$68,830.16
Average per acre.....	4.361

## OSBORNE COUNTY.

Number of acres sold.....	7,820
Number of acres patented.....	290
Amount sold for.....	\$30,784.50
Average per acre.....	3.936

## PAWNEE COUNTY.

Number of acres sold.....	3,342.20
Number of acres patented.....	80
Amount sold for.....	\$16,075.00
Average per acre.....	4.809

## PHILLIPS COUNTY.

Number of acres sold.....	1,320
Number of acres patented.....	40
Amount sold for.....	\$5,350.00
Average per acre.....	4.058

## POTTAWATOMIE COUNTY.

Number of acres sold.....	8,701.10
Number of acres patented.....	3,715.10
Amount sold for.....	\$44,201.05
Average per acre.....	5.079

## REPUBLIC COUNTY.

Number of acres sold.....	24,546
Number of acres patented.....	4,446
Amount sold for.....	\$83,032.65
Average per acre.....	3,382

## RENO COUNTY.

Number of acres sold.....	11,070
Number of acres patented.....	940
Amount sold for.....	\$42,409.36
Average per acre.....	3.829

## RICE COUNTY.

Number of acres sold.....	7,000
Number of acres patented.....	880
Amount sold for.....	\$26,038.00
Average per acre.....	3,719

## RILEY COUNTY.

Number of acres sold.....	9,062
Number of acres patented.....	2,945
Amount sold for.....	\$52,506.45
Average per acre.....	5.783

## RUSSELL COUNTY.

Number of acres sold.....	2,720
Number of acres patented.....	160
Amount sold for.....	\$11,157.00
Average per acre.....	4.100

RUSH COUNTY.		
Number of acres sold .....		280
Number of acres patented.....		None.
Amount sold for.....		\$1,940.00
Average per acre.....		6.928
SALINE COUNTY.		
Number of acres sold.....		16,322
Number of acres patented .....		8,682
Amount sold for.....		\$80,171.10
Average per acre.....		4.911
SHAWNEE COUNTY.		
Number of acres sold.....		7,800
Number of acres patented.....		3,460
Amount sold for.....		\$43,948.80
Average per acre.....		5,634
SEDGWICK COUNTY.		
Number of acres sold.....		32,211.46
Number of acres patented.....		4,040.00
Amount sold for.....		\$135,274.00
Average per acre.....		4.199
SMITH COUNTY.		
Number of acres sold.....		7,950
Number of acres patented.....		555
Amount sold for.....		\$28,196.00
Average per acre.....		3.546
SUMNER COUNTY.		
Number of acres sold.....		21,390
Number of acres patented.....		1,360
Amount sold for.....		\$74,933.15
Average per acre .....		3.503
WABAUNSEE COUNTY.		
Number of acres sold.....		9,969.56
Number of acres patented.....		3,750
Amount sold for .....		\$38,463.05
Average per acre.....		3.858
WASHINGTON COUNTY.		
Number of acres sold.....		25,051
Number of acres patented.....		10,101
Amount sold for.....		\$88,065.60
Average per acre.....		3.515
WILSON COUNTY.		
Number of acres sold.....		9,520
Number of acres patented.....		2,240
Amount sold for.....		\$31,932.00
Average per acre.....		3.351
WOODSON COUNTY.		
Number of acres sold.....		12,120
Number of acres patented.....		4,990
Amount sold for.....		\$44,700.41
Average per acre.....		3.719
SUMMARY.		
Number of acres certified to the State.....		2,898,604.33
Number of acres sold.....		770,617.74
Number of acres patented.....		237,296.27
Number of acres sold, but not patented.....		533,321.47

Number of acres unsold.....	2,127,986.59
Amount sold for.....	\$3,152,975.81
Average price per acre for land sold.....	4.091+
Average price per acre for land patented.....	4.23+
The whole, at \$4.091, would yield.....	11,858,190.314+

On motion, the report was ordered printed.

#### PRIVILEGED QUESTION—THE CALLEN RESOLUTION.

Mr. Callen arose to a question of privilege, and submitted the following resolution:

*Whereas*, The testimony taken by the Investigating Committee discloses the fact that certain members of this House did, during the late Senatorial contest, take special pains to place themselves in position to be offered money to influence their votes, and in some instances actually did receive money, though not from either of the Senatorial candidates: therefore, be it

*Resolved*, That the conduct of all such members is deserving of, and this House does administer upon them its severest censure, committing them to their constituents for that ultimate condemnation which they so justly deserve.

Mr. Bissell moved the resolution of censure also apply to the candidates for Senator who had used improper influences to secure the votes of these members.

Mr. Kennedy moved that the resolution and amendment be laid upon the table.

Upon this motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 91. Majority under the rule, 46. Yeas, 45; nays, 46; absent or not voting, 38.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Barrackman, Berry, Bissell, Brinkman, Bull, Clapp, Clogston, Eastland, Eggers, Ewing, Farris, Gillespie, Hall, Hamilton of Norton, Hodge, Kelley, Kennedy, Legate, Leonard, Martin of Labette, Martin of Miami, McKay, Moore, Morgan, Parsons, Price, Prunty, Randolph, Rath, Riggs, Seaton, Selover, Stewart, Stumbaugh, Taylor, Wait of Linn, Waite of Pawnee, White, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Ballard, Bevins, Biddle, Bishop, Blackman, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Callen, Calvin, Corbin,



Danhaur, Donahue, Faulkner, Games, Gilmore, Hamilton of Marshall, Hartshorne, Hewins, Hutchison, James of Shawnee, James of Wyandotte, Keller, Lawson, Manning, McClintick, McCrumb, Myers, Richards, Robb, Rood, Sallee, Shaw, Smith of Marshall, Stitt, Towle, Tucker, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Beaty, Blanchard, Boggs, Butts, Clark, Congdon, Cool, Cunningham, Eckles, Ellison, Fisler, Gable (Frank M.), Gable, (Thos. P.), Godfrey, Greever, Greiffenstein, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Kollock, Loy, Majors, Martin of Kingman, McMillen, Miller, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Tallman, Wait of Lincoln, and Watson.

And so the motion did not prevail.

Mr. Legate demanded the previous question.

The demand being supported, the previous question was ordered.

The question being on agreeing to the amendment, the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 101; majority under the rule, 51. Yeas, 44; nays, 57; absent or not voting, 28.

Gentlemen voting in the affirmative were: Messrs. Albin, Barber, Beaty, Bevins, Bissell, Bull, Butts, Clapp, Clogston, Eastland, Eggers, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Greiffenstein, Hall, Hamilton of Norton, Henderson, Hodge, Hutchison, Kennedy, Majors, Martin of Kingman, McClintick, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Sallee, Selover, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Berry, Biddle, Bishop, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Callen, Calvin, Cool, Corbin, Danhaur, Donahue, Games, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hewins, James of Shawnee, Keller, Kelley, Lawson, Legate, Leonard, Martin of Labette, McCrumb, Myers, Price, Richards, Robb, Rood, Seaton, Shaw, Smith of Marshall, Stew-

art, Stitt, Towle, Tucker, Waite of Pawnee, Walker, Willey, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Baker, Barrackman, Brinkman, Clark, Congdon, Cunningham, Eckles, Ellison, Fisler, Hankins, Helmick, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Loy, Manning, Martin of Miami, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Tallman, Watson, White, and Wright.

The amendment was not agreed to.

The question recurring ~~off~~ the motion to adopt the resolution, Mr. Sallee demanded a division of the question.

A vote was taken on the first clause of the resolution censuring those members who took "especial pains to place themselves in position to be offered money to influence their votes," with the following result:

Whole number of votes cast, 99; majority under the rule, 50. Yeas, 51; nays, 48; absent or not voting, 30.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Ballard, Barrackman, Biddle, Blanchard, Boggs, Bower, Breyfogle, Briggs, Bronson, Brown, Bruner, Callen, Calvin, Cool, Corbin, Danhaur, Donahue, Gillespie, Gilmore, Godfrey, Greever, Hamilton of Marshall, Hartshorne, Hewins, James of Shawnee, Keller, Lawson, Legate, Leonard, Martin of Labette, McClintick, McCrumb, Myers, Price, Richards, Robb, Rood, Shaw, Smith of Marshall, Stewart, Stitt, Towle, Tucker, Walker, Willey, and Wilson of Jackson.

Gentlemen voting in the negative were: Messrs. Armstrong, Barber, Beaty, Bevins, Bishop, Bissell, Blackman, Bull, Butts, Clapp, Clogston, Eastland, Eggers, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Hall, Hamilton of Norton, Henderson, Hodge, Hutchison, Kelley, Kennedy, Majors, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Sallee, Seaton, Selover, Stumbaugh, Taylor, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Baker, Berry, Brinkman, Clark, Congdon, Cunningham, Eckles, Ellison, Fisler, Games, Greiffenstein, Hankins, Helmick, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Loy, Manning, Martin

of Miami, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Tallman, Watson, Wilson of Nemaha, and Wright.

So the motion prevailed.

The question recurring on the motion to censure those who "actually did receive money," the resolution was adopted *viva voce*.

Mr. Anderson, of Cherokee, offered the following resolution, which was unanimously adopted:

*Resolved*, That it is the judgment of this House that Hon. G. L. White, of Republic county, is not among the members censured by the resolution offered by the Hon. A. W. Callen, and adopted by the House to-day.

#### RAYBELL-ANDERSON RESOLUTION.

Mr. Riggs arose to a question of privilege, and offered the following resolution:

*Whereas*, The testimony taken before the Investigating Committee of this House, and now before the House, discloses the fact that T. J. Raybell, member of this House from the Eighty-fourth Representative District, and H. T. Anderson, member of this House from the One Hundred and Thirteenth District, did, during the late Senatorial election, receive and retain money under implied promise to cast their votes for certain Senatorial candidates: therefore,

*Resolved*, That said T. J. Raybell and H. T. Anderson are unworthy to occupy seats in this House, and they are hereby expelled from this House.

Mr. Smith, of Marshall, moved to indefinitely postpone the resolution, upon which the yeas and nays were demanded, and had, with the following result:

Whole number of votes cast, 93; majority under the rule, 47. Yeas, 49; nays, 44; absent or not voting, 36.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Ballard, Barrackman, Berry, Biddle, Bissell, Blackman, Blanchard, Bower, Briggs, Bull, Butts, Callen, Calvin, Clogston, Cool, Danhaur, Donahue, Farris, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Lawson, Legate, Leonard, Martin of Labette, McClintick, McCrumb, Myers, Price, Richards, Seaton, Shaw, Smith of Marshall, Stew-

art, Stitt, Tucker, Walker, Wilson of Jackson, and Wilson of Nemaha.

Gentlemen voting in the negative were: Messrs. Albin, Alexander, Beaty, Bevins, Bishop, Breyfogle, Bronson, Bruner, Clapp, Corbin, Eastland, Eggers, Faulkner, Gable (Thos. P.), Greever, Hall, Hamilton of Marshall, Hutchison, James of Wyandotte, Kennedy, Martin of Kingman, McKay, McMillen, Miller, Moore, Morgan, Parsons, Prunty, Randolph, Rath, Riggs, Robb, Sallee, Selover, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Willey, Woodard, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Armstrong, Baker, Barber, Boggs, Brinkman, Brown, Clark, Congdon, Cunningham, Eckles, Ellison, Ewing, Fisler, Gable (Frank M.), Greiffenstein, Hankins, Helmick, Hossack, Huffaker, Humes, Kollock, Loy, Majors, Manning, Martin of Miami, Raybell, Rice, Rood, Scott, Smith of Bourbon, Spilman, Tallman, Watson, and Wright.

And so the motion to indefinitely postpone prevailed.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has acceded to the request of the House for a committee of conference on Senate bill No. 177, An act making appropriations to the Executive and Judiciary departments.

Committee on part of the Senate: Senators Guthrie, Harris and Buchan.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, and has amended the same by striking out all after the enacting clause and inserting twenty-seven new sections, and has



amended the title so as to read, "An act to establish and define the judicial districts of the State of Kansas, providing for the election of judges therein, and fixing the terms of court thereof."

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has amended and passed House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872, with an amendment, by striking out "one-third," and inserting "a majority" wherever the same occur in section 3 of the bill.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 406, An act for the relief of Neosho county, Kansas.

House bill No. 157, An act in relation to State and county roads.

House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto.

House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize the boards of education of cities of the first class to re-fund certain bonds.

Substitute for House bill No. 243, An act to regulate the inspection and sale of oils for illuminating purposes in the State of Kansas.

House bill No. 402, An act for the relief of Jas. P. Cooper, County Treasurer of Mitchell county, Kansas.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county.

House bill No. 159, An act to provide for building and repairing bridges in counties having 25,000 inhabitants or more.

House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate certain moneys for the building of a certain bridge.

House bill No. 276, An act providing for the taxation of Normal School lands when sold.

Substitute for House bills Nos. 206, 224 and 326, An act to vacate streets, avenues and alleys in the town of St. George and its addition, Pottawatomie county, Kansas.

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

House bill No. 237, An act appropriating \$2,000 to the Neutral Defense Committee.

House bill No. 278, An act to amend chapter 16 of the General Statutes, entitled "An act to provide for the building of bridges," and section 2 of chapter 64 of the Session Laws of 1875.

House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness.

HENRY BRANDLEY, *Secretary*.

Also, the following :

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875, and has amended the same, by inserting in the seventeenth line of section 1, after the words, "city clerk," the words, "a city attorney."

HENRY BRANDLEY, *Secretary*.

Also, the following :

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policyholders.

HENRY BRANDLEY, *Secretary*.

Also, the following :

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 329, An act authorizing county treasurers of any county to transfer money from one fund to another.

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

And has indefinitely postponed House bill No. 31, An act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved March 4, 1876, and providing for the reduction of interest on delinquent taxes from fifty per cent. per annum to twenty-five per cent. per annum after sale.

HENRY BRANDLEY, *Secretary*.

Mr. Smith, of Marshall, moved that the House adjourn.

The motion prevailed, and at 12 o'clock M. the House adjourned.

---

### AFTERNOON SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 10, 1879. }  
1:30 o'clock P. M. }

House called to order; Speaker Clarke in the chair.

Roll called. The following gentlemen present: Messrs. Albin, Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Bid-  
dle, Bishop, Bissell, Blackman, Blanchard, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bruner, Bull, Butts, Callen, Calvin, Clapp, Clogston, Cool, Corbin, Danhaur, Donahue, Eastland, Eggers, Ewing, Farris, Faulkner, Games, Gillespie, Gilmore, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Helmick, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Labette, McCrumb, Moore, Morgan, Myers, Parsons, Prunty, Randolph, Rath, Richards, Riggs, Robb, Rood, Sallee, Seaton, Selover, Shaw, Smith of Marshall, Stewart, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Wait of Linn, Waite of Pawnee, White, Willey, Wilson of Jackson, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Anderson of Ellsworth, Baker, Boggs,

Bower, Clark, Congdon, Cunningham, Eckles, Ellison, Fisler, Gable (Frank M.), Gable (Thos. P.), Godfrey, Hankins, Henderson, Hossack, Huffaker, Humes, Kollock, Loy, Martin of Kingman, Martin of Miami, McClintick, McKay, McMillen, Miller, Price, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Stitt, Tallman, Walker, and Watson.

Quorum present.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted the following resolution:

*Resolved*, That the Senate pass no more bills after 4 o'clock P. M., this 10th day of March, 1879; and,

*Resolved further*, That we quit legislation at 12 o'clock P. M. this day.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed Senate bill No. 201, An act making appropriations to the Legislative department.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace and Lane counties, in the State of Kansas, and repealing all laws relating to the boundaries thereof, with an amendment striking out the first six sections of the bill, and inserting in lieu thereof six new sections as therein noted, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

House bill No. 340, An act to change the name of Huron, Jewell county, Kansas, to the name of Omio.

House bill No. 417, An act to legalize the official acts of H. H. Reed, a Justice of the Peace in Center township, Smith county, Kansas.



House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

House bill No. 218, An act for the relief of Neosho county, Kansas.

Substitute for House bills Nos. 161, 37 and 315, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas; of George S. Green, a Notary Public in and for Riley county, Kansas; and of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas.

Senate bill No. 128, An act to authorize the County Superintendent of Public Instruction of Sedgwick county to divide School District No. 3, of said county, and organize an additional school district of the territory herein named.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has passed House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain officers and their compensation and duties, with sundry amendments thereon noted.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted the following report from the committee of conference on Senate bill No. 177, An act making appropriation for the Executive and Judiciary departments:

#### REPORT.

*Mr. President of the Senate, and Speaker of the House:* Your committee of conference, to whom was referred the differences between the two houses on Senate bill No. 177, recommend that the item of clerk-hire for the Superintendent of Public Instruction, for the years 1880 and 1881, be fixed at eighteen hundred dollars each year; that the item of clerk-hire for the Superintendent of Insurance be fixed at eighteen hundred dollars for each of the years 1880 and 1881.

That the item of deficiency for postage from the year ending

June 30, 1879, for Superintendent of Public Instruction, remain one hundred dollars, as in the original bill.

That the item of deficiency for 1879 for clerk to Permanent School Fund Commissioners, from February 1 to June 30, 1879, be stricken out, and that an item be added to the appropriation for the State Board of Agriculture for 1880, allowing eight hundred dollars for postage and expressing to distribute Agricultural Reports to member of the Legislature.

W. W. GUTHRIE,

*On part of Senate.*

E. C. MANNING,

*On part of House.*

Mr. Anderson, of Cherokee, moved to non-concur in the report.

Mr. Faulkner moved that the report of the committee be agreed to, which motion prevailed.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877, relating to quarantine grounds for Texas cattle.

House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms, or individuals.

House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when insolvent or in a failing condition.

House bill No. 165, An act providing for the punishment of bank officers for the reception of deposits, or the creation of debts, when insolvent or in a failing condition.

House bill No. 212, An act to amend section 28 of article 4, chapter 122 of the Session Laws of the State of Kansas of 1876, entitled "An act for the regulation and support of common schools," approved March 4, 1876.

House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876.

Substitute for House bill No. 230, An act to amend chapter

92 of the Laws of 1875, relating to townships and township officers.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

House bill No. 180, An act providing for the drainage of swamp bottoms and other low lands.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed the following bills:

House bill No. 310, An act amendatory of "An act to provide for the time for holding court in the Fifth Judicial District," approved March 3, 1877.

House bill No. 334, An act to legalize the official acts of O. P. Boswell, as Trustee of Parker township, in Montgomery county, Kansas, and as County Commissioner of Montgomery county, Kansas.

House bill No. 389, An act to amend section 13, article 2 of the school laws.

Substitute for House bill No. 118, An act conferring the rights of majority on certain persons.

House bill No. 225, An act authorizing county commissioners to offer rewards for the capture of horse thieves.

House bill No. 379, An act to vacate certain streets and alleys in the town of Lyons, Dickinson county.

Substitute for House bill No. 343, An act to amend an act approved March 2, 1877, entitled "An act to amend section 1 of an act approved February 25, 1876, entitled 'An act to enable counties, townships and cities to aid in the construction of railroads, and to repeal section 8 of chapter 39 of the Laws of 1874.'"

House bill No. 202, An act to amend section 1, chapter 118, of the Session Laws of 1877, entitled "An act for the protection of birds."

Substitute for House bill No. 113, An act to amend section 6, chapter 122 of the Session Laws of 1876, being an act entitled "An act for the regulation and support of common schools."

Substitute for House bill No. 272, An act amending section

260 of chapter 31, article 7, Laws of 1868, entitled "An act regulating crimes and punishments," approved March 3, 1868.

And has failed to pass the following bills:

House bill No. 217, An act to amend section 84 of chapter 81 of the General Laws of Kansas of 1868, entitled "An act to regulate the jurisdiction and procedure before justices of the peace in civil cases."

House bill No. 10, An act to provide for the refunding of certain taxes assessed and paid on certain tracts known as the State Agricultural College lands.

House bill No. 108, An act to repeal chapter 76 of the statutes of 1877, being an act entitled "An act authorizing a bounty on wolf, coyote, wild-cat, fox and rabbit scalps," approved March 6, 1877.

HENRY BRANDLEY, *Secretary*.

Senate bill No. 196, miscellaneous appropriation bill, was taken up, and on motion, an item providing payment for transcribing the testimony taken before the Investigation Committee was added.

Mr. Legate moved to amend item 6, by adding: "To John Francis, for expenses incurred in making record of all insurance securities deposited in the State treasury from the organization of the insurance department up to May, 1874, \$300, provided said amount shall be paid out of the insurance fund."

Mr. Manning moved that all items pertaining to the Senatorial investigation be stricken out. The motion did not prevail.

On motion of Mr. Biddle, item 32 was amended, by striking out \$25, and inserting \$50.

On motion of Mr. Sallee, the proviso in item 33 was stricken out.

By consent, item 35 was amended by inserting "for per diem and mileage."

Mr. Legate moved to amend the item by inserting "To J. M. Allen, for witness fees before the Probate Court in case of Allen vs. Spillman, \$85.50." The motion did not prevail.

Item 36 was amended by inserting "for per diem and mileage."

Mr. Faulkner moved that the following be inserted after item 47, "To Robert Forbiger, assignee of Martin Patrie, of Atchison county, for conveying prisoners to the Penitentiary, \$149.95." The motion prevailed.



Mr. Kennedy moved that item 56 be stricken out. The motion prevailed.

Mr. Anderson moved to amend item 72 by striking out "\$100" and inserting "\$200." The motion prevailed.

Mr. Morgan moved that item 76 be stricken out. The motion did not prevail.

Mr. Waite, of Pawnee, offered the following amendment as item 17½:

"That the sum of one thousand six hundred dollars is hereby appropriated for the relief of Ford county; one thousand dollars for the relief of Pawnee county; eight hundred dollars for the relief of Rooks county; eight hundred dollars for the relief of Norton county; and one thousand one hundred dollars for the relief of Ellis county. All such several sums hereby appropriated being for costs and expenses paid severally by said counties in criminal cases in which there were no convictions, and in insanity cases—said criminal and insanity cases arising in unorganized counties heretofore attached to said several counties for judicial purposes, in full for all such costs and expenses that have accrued up to January 14, 1879: *Provided*, That the Auditor of State shall draw his warrant on the Treasurer of State in favor of the treasurers of the several counties herein named only for such portion of the said sums hereby severally appropriated as shall be covered by the original vouchers of the persons entitled to and receiving such costs, duly verified to be such vouchers by the county clerk of the respective county which allowed the claims; and the said county clerk shall also show by a certificate, under his hand and seal, that such costs and expenses have been paid by his county."

The House convened at 8 o'clock P. M., Speaker Clarke in the chair.

#### APPOINTMENT.

The Speaker announced the following appointments:

By virtue of the authority vested in me, I hereby appoint Miss Nina Peacock Eighteenth Assistant Enrolling Clerk of the House.

(Signed)

SIDNEY CLARKE,

*Speaker of the House.*

Miss Peacock came forward, and subscribed to the following oath of office:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of Eighteenth Assistant Enrolling Clerk of the House of Representatives. So help me God.  
(Signed) NINA PEACOCK.

Subscribed and sworn to before me, this 10th day of March,  
A. D. 1879. SIDNEY CLARKE,  
*Speaker of the House.*

By authority vested in me, I hereby appoint D. Whittaker Nineteenth Assistant Enrolling Clerk of the House.  
SIDNEY CLARKE,  
*Speaker of the House.*

Mr. Whittaker appeared, and subscribed to the following oath:  
STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and that I will faithfully discharge the duties of Nineteenth Assistant Enrolling Clerk of the House of Representatives to the best of my ability. So help me God.  
(Signed) D. WHITTAKER.

Subscribed and sworn to before me, this 10th day of March,  
A. D. 1879. SIDNEY CLARKE,  
*Speaker of the House.*

By virtue of the authority vested in me, I hereby appoint Miss M. Swallow Twentieth Assistant Enrolling Clerk of the House of Representatives.  
(Signed) SIDNEY CLARKE,  
*Speaker of the House.*

Miss Swallow came forward, and subscribed to the following oath:  
STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of Twentieth Assistant Enrolling Clerk of the House of Representatives of the State of Kansas to the best of my ability. So help me God.  
(Signed) MINNIE SWALLOW.

Subscribed and sworn to before me, this 10th day of March,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

By consent, House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875, with Senate amendments, was taken up.

Mr. James, of Shawnee, moved that the House non-concur in Senate amendments, and ask a committee of conference. The motion prevailed.

Mr. Hartshorne offered the following:

"81. To J. Markham, of Neosho county, for services in aid of procuring legislation by Congress on behalf of settlers on the Osage ceded lands, the sum of \$1,000."

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 29, relating to transcribing the Legislative proceedings of the Legislature.

Has also adopted Senate concurrent resolution No. 30, authorizing the Governor to appoint a commission to revise the militia laws of the State.

HENRY BRANDLEY, *Secretary.*

On motion of Mr. Bruner, the House took a recess until 8 o'clock P. M.

#### COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 287.

The Speaker announced the following committee of conference, on the part of the House, on House bill No. 287: Messrs. James of Shawnee, Briggs, and Faulkner.

The House resumed consideration of the miscellaneous appropriation bill.

On motion, Mr. Hartshorne's motion of \$1,000 to aid Mr. J. Markham, as agent for the settlers on the neutral lands, was so amended as to embrace the sum of \$500.

Mr. Riggs moved that \$1,000 be appropriated to Mrs. Larsson, a widow woman, of Lawrence, whose husband was killed by an insane patient at Osawatomie. The motion prevailed.

Mr. Parsons moved that an appropriation of \$300 be allowed, each, to the reporters of the *Topeka Blade*, and to the *Topeka* and *Atchison Courier*. The motion prevailed.

Mr. Riggs moved that the items of \$150 to C. C. Baker and to W. M. Hess be stricken out of the appropriation bill.

MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate recedes from its amendment to House bill No. 287, An act to amend an act to incorporate cities of the second class, as amended by section 1 of chapter 71, approved February 25, 1875.

HENRY BRANDLEY, *Secretary*.

The yeas and nays having been demanded, on Mr. Riggs's motion to strike out appropriation for *Commonwealth* reporters, the roll was called, with the following result: Yeas, 45; nays, 41; absent or not voting, 43.

Gentlemen voting in the affirmative were: Messrs. Albin, Beaty, Bevins, Bissell, Bower, Breyfogle, Brinkman, Bruner, Clogston, Cool, Eggers, Farris, Gable (Thos. P.), Godfrey, Hall, Hamilton of Norton, Henderson, Hewins, Hutchison, Lawson, Leonard, Martin of Kingman, Martin of Labette, McClintick, McKay, McMillen, Miller, Morgan, Myers, Parsons, Prunty, Rath, Riggs, Robb, Rood, Sallee, Shaw, Stewart, Tallman, Taylor, Wait of Lincoln, Wait of Linn, Walker, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Biddle, Blackman, Boggs, Briggs, Bronson, Brown, Bull, Butts, Callen, Calvin, Corbin, Donahue, Faulkner, Games, Gillespie, Gilmore, Hamilton of Marshall, Hartshorne, Hodge, James of Shawnee, James of Wyandotte, Kelley, Legate, Majors, Manning, Moore, Price, Randolph, Richards, Seaton, Selover, Smith of Marshall, Waite of Pawnee, White, and Wright.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Barrackman, Berry, Bishop, Blanchard, Clapp, Clark, Congdon, Cunningham, Danhaur, Eastland, Eckles, Ellison, Ewing, Fisler, Gable (Frank M.), Greever, Greiffenstein, Hankins, Helmick, Hossack, Huffaker, Humes, Keller, Kennedy, Kollock, Loy, Martin of Miami, McCrumb, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Stitt, Stumbaugh, Towle, Tucker, Watson, Willey, Wilson of Jackson, and Wilson of Nemaha.



So the motion to strike out the appropriation prevailed.

Mr. Legate moved that the sum of \$76.50 be allowed R. H. Ballinger for certain services and mileage in the year 1876. The motion prevailed.

Mr. Legate moved that T. G. Taylor be allowed the sum of \$97.00, and R. H. Ballinger the sum of \$150.00, witness fees in the case of the State of Kansas vs. Andrew J. Mowry. The amendment did not prevail.

Mr. Riggs moved that an amendment be made as follows: By adding at the end of section 1 the following additional clause, to wit:

“85. To the Reporter of the Supreme Court, to reimburse him for office rent for the two years ending June 30, 1879, three hundred dollars; to reimburse him for expenses incurred in copy-righting the reports for the State, and for postage and clerk hire for the two years ending June 30, 1879, two hundred dollars; for office rent, copyrighting, postage and clerk hire for the fiscal year ending June 30, 1880, two hundred and fifty dollars; and for office rent, copyrighting, postage and clerk hire for the fiscal year ending June 30, 1881, two hundred and fifty dollars.”

The motion prevailed, and the amendment was adopted.

Mr. Parsons moved the following amendment:

“To the Topeka *Commonwealth*, to the Topeka *Blade*, and to the Atchison-Topeka *Courier*, each one hundred and fifty dollars, for reporting the proceedings of the Legislature.”

The amendment did not prevail.

Mr. Manning moved to amend the item of \$50, for costs of K. H. Barrackman, which were created by him in a contest for a seat in this body.

The amendment did not prevail.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has indefinitely postponed the following bills:

House bill No. 330, An act to amend sections 161 and 162 of article 13 of chapter 81 of the General Statutes of 1868.

House bill No. 391, An act authorizing private persons to lay off and establish cemeteries.

House bill No. 403, An act concerning district courts, and prescribing certain duties of the judges thereof.

House bill No. 11, An act to change the name of Henry Frundlick to Henry Friendlick.

HENRY BRANDLEY, *Secretary*.

Also, the following message:

MR. SPEAKER: I am directed to inform the House that the Senate has passed the following bills:

Substitute for House bill No. 240, An act amendatory of and supplemental to chapter 25 of the general laws of 1868.

House bill No. 382, An act to authorize executors and administrators with the will annexed to convey real estate in pursuance of power contained in the will.

And has failed to pass the following bills:

House bill No. 336, An act to authorize the boards of county commissioners in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

House bill No. 367, An act to regulate the manner of levying and collecting taxes to pay the interest and principal upon certain township bonds, and to fix the maximum thereof.

HENRY BRANDLEY, *Secretary*.

Mr. Wait, of Linn, offered the following amendment: In section 1, item 7, line 3, strike out \$450, and insert \$200. The amendment did not prevail.

Mr. Eastland offered the following amendment, which was adopted:

"To J. G. Weakly, the sum of \$80.85, for services performed by him in the arrest of persons committing crimes in unorganized counties."

Mr. Prunty moved an amendment of an appropriation of \$5,000 for St. Mary's College, in Pottawatomie county.

Mr. Kennedy offered the following amendment: "To James Smith, Secretary of State, for costs in investigating Senatorial election, \$50." The amendment prevailed.

Mr. Legate offered an amendment that the Sisters of Josephine, of Leavenworth, have an appropriation for \$1,500." The amendment did not prevail.

Mr. Riggs offered the following amendment:

"For the payment of costs in criminal cases from the unorganized counties, in cases where there are no convictions, for the fiscal year ending June 30, 1880, \$2,000; for the fiscal year ending June 30, 1881, \$2,000: *Provided, however,* That no more than twenty-five per cent. of the fees allowed in cases of conviction shall be paid to officers or witnesses, and fifty per cent. of the jail fees."

The amendment did not prevail.

Mr. Morgan offered the following amendment, and moved its adoption:

"SEC. 3. That section 5 of an act entitled 'An act relating to fugitives from justice,' approved March 3, 1868, be and the same is hereby repealed."

The amendment was adopted.

Mr. Gilmore offered the following amendment:

"To the Chief Clerk of the House, for furnishing a certified copy to the State Printer of the testimony taken before the Investigating Committee on the late Senatorial election question, as provided for by House resolution of March 8, 1879, seventy-five dollars, or so much thereof as may be necessary, at the rate per folio prescribed in said resolution."

The amendment was adopted.

Mr. Seaton offered the following amendment:

"To Robert Forbiger, assignee of Martin Patrie, Sheriff of Washington county, for services rendered and expenses incurred in conveying prisoners to the penitentiary, \$149.95."

The amendment was adopted.

The question recurring on the final passage of the bill, the yeas and nays were demanded, and the roll was called, with the following result:

Whole number of votes cast, 89; constitutional majority, 65. Yeas, 67; nays, 22; absent or not voting, 40.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Blackman, Boggs, Bower, Breyfogle, Briggs, Bronson, Bruner, Bull, Callen, Clapp, Clogston, Danhaur, Eastland, Eggers, Ellison, Ewing, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Godfrey, Greiffenstein, Hall, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte,

Keller, Kelley, Kennedy, Lawson, Legate, Martin of Labette, McClintick, McCrumb, Miller, Moore, Morgan, Randolph, Rath, Riggs, Robb, Seaton, Selover, Shaw, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Waite of Pawnee, White, and Wright.

Gentlemen voting in the negative were: Messrs. Barrackman, Biddle, Bishop, Brinkman, Calvin, Corbin, Donahue, Farris, Gilmore, Hamilton of Marshall, Manning, Martin of Kingman, McKay, McMillen, Richards, Rood, Sallee, Smith of Marshall, Stewart, Tucker, Wait of Linn, and Wilson of Nemaha.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Baker, Bissell, Blanchard, Brown, Butts, Clark, Congdon, Cool, Cunningham, Eckles, Fisler, Gillespie, Greever, Hankins, Helmick, Hossack, Huffaker, Humes, Kollock, Leonard, Loy, Majors, Martin of Miami, Myers, Parsons, Price, Prunty, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Tallman, Walker, Watson, Willey, Wilson of Jackson, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### PROTEST.

On this bill, Mr. Morgan voted aye, and enters thereupon the following:

MR. SPEAKER: I vote aye on Senate bill No. 196 (miscellaneous appropriations), but enter this as my protest against items 7, 35, 36, 54, 55, 70, 76, 79, and the appropriation for Mr. Ballinger.

W. A. MORGAN,

*Representative Eighty-sixth District.*

Mr. Callen offered the following resolution, and moved its adoption:

*Whereas*, It will require a number of days after the adjournment of the House for the Docket Clerks thereof to finish up the business pertaining to their office: therefore, be it

*Resolved*, That the Docket Clerks of the House be allowed pay for ten days' time, each, after the adjournment of the Legislature.

The motion prevailed, and the resolution was adopted.

Mr. Biddle offered the following resolution, and moved its adoption:



*Whereas*, The Assistant Docket Clerk, G. C. West, was not sworn in till the 23d of January ; and

*Whereas*, He faithfully performed the duties of that position from the beginning of the session; and

*Whereas*, He cannot draw any compensation till he was sworn in, without the order of the House: therefore,

*Resolved*, That the Chief Clerk is hereby directed to draw his certificate in favor of the Assistant Docket Clerk G. C. West for such time as he was employed before being sworn in.

The motion prevailed, and the resolution was adopted.

Senate bill No. 201, An act making appropriation to the Legislative department, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result :

Whole number of votes cast, 84; constitutional majority, 65. Yeas, 81; nays, 3; absent or not voting, 45.

Gentlemen voting in the affirmative were: Messrs. Albin, Alexander, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Bishop, Bissell, Boggs, Bower, Breyfogle, Brinkman, Bronson, Bruner, Bull, Callen, Calvin, Congdon, Corbin, Cunningham, Danhaur, Donahue, Eggers, Ewing, Farris, Gable (Frank M.), Games, Gilmore, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Henderson, Hodge, Hutchison, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McClintick, McCrumb, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Rice, Richards, Riggs, Robb, Sallee, Seaton, Shaw, Smith of Marshall, Stewart, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, White, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Biddle, Blackman, and Godfrey.

Gentlemen absent or not voting were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Baker, Blanchard, Briggs, Brown, Butts, Clapp, Clark, Clogston, Cool, Eastland, Eckles, Ellison, Faulkner, Fisler, Gable (Thos. P.), Gillespie, Greever, Greiffenstein, Hankins, Helmick, Hewins, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Loy, Martin of Miami, McKay, McMillen, Parsons, Price, Raybell, Rood, Scott, Selover,

Smith of Bourbon, Spilman, Tallman, Tucker, Watson, Willey, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 167, An act making an appropriation for the benefit of the State Agriculture College, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 35; nays, 48; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Armstrong, Ballard, Breyfogle, Briggs, Brown, Bruner, Butts, Eastland, Games, Gillespie, Gilmore, Hartshorne, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Kennedy, McKay, Miller, Myers, Randolph, Rath, Riggs, Seaton, Shaw, Stitt, Towle, Wait of Lincoln, Wait of Linn, Waite of Pawnee, Walker, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Shawnee, Barber, Barrackman, Berry, Bevins, Biddle, Bissell, Blackman, Blanchard, Boggs, Bower, Bronson, Callen, Calvin, Cool, Corbin, Cunningham, Danhaur, Donahue, Eggers, Farris, Gable (Frank M.), Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hewins, Keller, Leonard, Majors, Martin of Kingman, Martin of Labette, McClintick, Moore, Morgan, Parsons, Prunty, Richards, Rood, Sallee, Selover, Smith of Marshall, Stewart, Stumbaugh, Taylor, Tucker, and White.

Gentlemen absent or not voting were: Messrs. Anderson of Ellsworth, Baker, Beaty, Bishop, Brinkman, Bull, Clapp, Clark, Clogston, Congdon, Eckles, Ellison, Ewing, Faulkner, Fisler, Gable (Thos. P.), Godfrey, Greever, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Kelley, Kollock, Lawson, Legate, Loy, Manning, Martin of Miami, McCrumb, McMillen, Price, Raybell, Rice, Robb, Scott, Smith of Bourbon, Spilman, Tallman, Watson, Willey, Wilson of Jackson, Wilson of Nemaha, and Woodard.

And so, the bill failing to receive a constitutional majority, did not pass.

## APPOINTMENT.

The Speaker announced the following appointment:

By authority vested in me, I hereby appoint Miss Austa E. Wintrode Twenty-first Assistant Enrolling Clerk of the House.

SIDNEY CLARKE,

*Speaker of the House.*

Thereupon Miss Wintrode came forward, and subscribed to the following oath:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and will faithfully discharge the duties of Twenty-first Assistant Enrolling Clerk of the House of Representatives to the best of my ability. So help me God.

(Signed)

AUSTA E. WINTRODE.

Sworn and subscribed to before me, this 10th day of March,  
A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and provide for certain officers and their compensation and duties, was called up, and on motion, the Senate amendments were concurred in.

Substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof, and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof, and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided, was called up.

Mr. Legate moved to concur in the Senate amendments to the bill; whereupon the bill was read the third time, and the question being, Shall the House concur in the Senate amendments? the roll was called, with the following result:

Whole number of votes cast, 83; constitutional majority, 65. Yeas, 50; nays, 33; absent or not voting, 46.

Gentlemen voting in the affirmative were: Messrs. Anderson of Shawnee, Armstrong, Ballard, Biddle, Bishop, Blackman, Bower, Breyfogle, Brinkman, Bruner, Bull, Butts, Cool, Danhaur, Eastland, Eggers, Ewing, Gable (Thos. P.), Games, Gillespie, Gilmore, Hamilton of Norton, Keller, Kennedy, Lawson, Legate, Martin of Kingman, McKay, McMillen, Moore, Morgan, Myers, Prunty, Richards, Riggs, Robb, Selover, Shaw, Stewart, Stumbaugh, Taylor, Towle, Wait of Linn, Waite of Pawnee, Walker, White, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Albin, Anderson of Cherokee, Barber, Berry, Bevins, Bissell, Blanchard, Bronson, Callen, Calvin, Clapp, Clogston, Corbin, Donahue, Farris, Faulkner, Fisler, Hamilton of Marshall, Henderson, Hewins, Hodge, James of Wyandotte, Leonard, Majors, Manning, Martin of Labette, Miller, Randolph, Rath, Rood, Sallee, Seaton, and Smith of Marshall.

Gentlemen absent or not voting were: Messrs. Alexander, Anderson of Ellsworth, Baker, Barrackman, Beaty, Boggs, Briggs, Brown, Clark, Congdon, Cunningham, Eckles, Ellison, Gable (Frank M.), Godfrey, Greever, Greiffenstein, Hall, Harts-horne, Hankins, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Shawnee, Kelley, Kollock, Loy, Martin of Miami, McClintick, McCrumb, Parsons, Price, Raybell, Rice, Scott, Smith of Bourbon, Spilman, Stitt, Tallman, Tucker, Wait of Lincoln, Watson, Wilson of Jackson, and Wright.

Pending the consideration of this bill, Mr. Sallee raised the point of order that the bill should not be considered, on the ground that it is not the original House bill, and that it contains subject-matter not expressed in the original.

Speaker Clarke overruled the point of order.

Pending the announcement of the result of the vote, the further consideration of the bill was, by consent, postponed until 10 A. M. to-morrow.

#### SPECIAL REPORT ON HOUSE BILL NO. 345.

Mr. Anderson, of Cherokee, from special committee on House bill No. 345, An act to apportion the State for Senators and Representatives, submitted the following report:



MR. SPEAKER: Your special committee, appointed on the 7th inst., to whom was referred House bill No. 345, An act to apportion the State for Senators and Representatives, have had the same under consideration at a full meeting of the committee, and attempted to revise and remodel said bill, but owing to the great amount of labor required, and the lack of sufficient time to complete our labors in a satisfactory manner, so that said bill as revised might be acted upon at this session, we respectfully report the bill back to the House without recommendation, except the changes as appear on pages 4, 6 and 7 of the printed bill herewith returned, which changes and amendments we recommend. We further report, that the question as to the power of the Legislature to make the apportionment at this time was not considered by the committee.

T. P. ANDERSON, *Chairman*.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform the House that the Senate has amended House bill No. 377, An act to authorize the Board of County Commissioners of Clay county to appropriate funds to aid in the building of a bridge over the Republican river in Clay county, by striking out all after the enacting clause and inserting four new sections, and desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

House bill No. 421, An act to legalize the official acts of the Commissioners of Davis county, was read the first and second times, and, on motion, was considered engrossed, and was thereupon read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen,

Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Hall, Hamilton of Marshall, Hankins, Helmick, Hosack, Huffaker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 159, An act explanatory of chapter 83, Laws of 1873, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman,

Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Hall, Hamilton of Marshall, Hankins, Helmick, Hossack, Huf-faker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 156, An act relating to deeds and conveyances made by executors and administrators in certain cases, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Hall, Hamilton of Marshall, Hankins, Helmick, Hossack, Huf-faker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice,

Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 183, An act to legalize the acts of Asahil Penfield, a Justice of the Peace of Wilmington township, in Wabaunsee county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Hall, Hamilton of Marshall, Hankins, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the



passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 137, An act to amend section 7 of "An act to enable municipal townships to subscribe for stock in any railroad, and to provide for the payment of the same," approved February 25, 1870, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Danhaur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Hartshorne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Greever, Hall, Hamilton of Marshall, Hankins, Helmick, Hossack, Hufaker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 79, An act to repeal an act in relation to the

collection of delinquent taxes on real estate bid off by counties and cities at tax sales, and providing for a sale of such real estate, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 67; constitutional majority, 65. Yeas, 67; nays, 0; absent or not voting, 62.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Shawnee, Armstrong, Barber, Berry, Bevins, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bruner, Butts, Callen, Clapp, Cool, Corbin, Dannahur, Eastland, Eggers, Ellison, Gable (Thos. P.), Games, Gillespie, Gilmore, Greiffenstein, Hamilton of Norton, Harts-horne, Henderson, Hewins, Hodge, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McCrumb, McKay, McMillen, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Selover, Smith of Marshall, Stitt, Taylor, Towle, Waite of Pawnee, Walker, Willey, Wilson of Nemaha, Woodard, Wright, and Speaker Clarke.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Anderson of Ellsworth, Baker, Ballard, Barrackman, Beaty, Biddle, Blanchard, Boggs, Bronson, Brown, Bull, Calvin, Clark, Clogston, Congdon, Cunningham, Donahue, Eckles, Ewing, Farris, Faulkner, Fisler, Gable (Frank M.), Godfrey, Gree-ver, Hall, Hamilton of Marshall, Hankins, Helmick, Hossack, Huffaker, Humes, Hutchison, James of Wyandotte, Kollock, Loy, Martin of Miami, McClintick, Parsons, Price, Raybell, Rice, Richards, Robb, Rood, Sallee, Scott, Seaton, Shaw, Smith of Bourbon, Spilman, Stewart, Stumbaugh, Tallman, Tucker, Wait of Lincoln, Wait of Linn, Watson, White, and Wilson of Jackson.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Mr. James, of Wyandotte, chairman of the Committee on En-rolled Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 20, An act to amend sections 3 and 4 of an act approved February 22, 1866, and to repeal section 2,

chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 35, An act making appropriations for the erection of additional buildings for the Insane Asylum at Osawatomie, and for the completion of said asylum, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 77, An act to provide for the allowance of the claims growing out of the Price raid in 1864, and the defense of the State against Indians during said year, and making an appropriation for the payment of the same, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 147, An act making appropriations for the erection of a building to be used as a dormitory, laundry and hospital, for furnishing the same, and for improvements for the Institution for the Blind, and to defray the current expenses of said institution for the fiscal years 1880 and 1881, have examined and carefully compared the enrolled copy with the original bill and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 158, An act to amend section 2 of chapter 26 of the General Statutes, entitled "An act concerning the location and removal of county seats," have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approved.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 201, An act making an appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, 1880, and June 30, 1881, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 239, An act making an appropriation to support the Institution for the Education of the Deaf and Dumb, and to provide for the current expense thereof during the fiscal years ending June 30, 1880, and June 30, 1881, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 249, An act providing for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom



was referred House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received, and read:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have this day approved the following bills:

House bill No. 181, An act making an appropriation for the Home for Friendless Women, in the city of Leavenworth.

Substitute for House bill No. 242, An act making an appropriation for the Kansas Orphan Asylum, located at Leavenworth, Kansas.

House bill No. 277, An act to validate the election in Harper county, held on the 15th day of November, 1878, temporarily locating the county seat at the town of Anthony, in said county, and to provide for the permanent location of the county seat of said county of Harper.

House bill No. 190, An act to amend section 1 of chapter 57 of the Laws of 1876, being "An act amend section 27 of chapter 23 of the General Statutes of the State of Kansas," in relation to powers and duties of corporations.

Senate substitute for House bill No. 38, An act to enable counties, municipal corporations, the boards of education of any city, and school districts, to re-fund their indebtedness.

House bill No. 29, An act to repeal section 2 of chapter 139, being "An act to amend an act entitled 'An act relating to taxation in the county of Leavenworth,'" approved February 27, 1872.

House bill No. 137, An act to authorize the Reading Iron Works, of Reading, Pennsylvania, to hold and convey certain lands, and to validate certain titles to real estate.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 8, 1879.

Also, the following:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have this day approved the following bills:

House bill No. 4, An act fixing the times of holding the terms of the District Court in Clay county, and to repeal all acts or parts of acts inconsistent herewith.

House bill No. 17, An act to amend chapter 69 of the Session Laws of 1877, approved March 3, 1867.

House bill No. 19, An act to amend section 1 of chapter 77, Laws of 1877, entitled "An act authorizing and directing the Board of County Commissioners of Bourbon county to provide a fund and to issue warrants thereon for the building of bridges, and to provide for the building of the same."

House bill No. 102, An act to change the line of the Fort Scott and Ottawa State road, and to vacate certain portions thereof.

House bill No. 136, An act to authorize the township of Toledo, in Chase county, Kansas, to use the surplus of its general township fund to pay interest on its township bonds.

House bill No. 285, An act authorizing the Board of County Commissioners of Rooks county, Kansas, to issue bonds to pay county indebtedness. JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KAS., March 4, 1879.

House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, and Lane counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof, was reported, and on motion the Senate amendments were concurred in.

House concurrent resolution No. 46, in relation to final adjournment, was read, and on motion was adopted.

By unanimous consent, Mr. Clapp offered House concurrent resolution No. 47, thanking the people of the Capital City for courtesies shown the members and officers of the Legislature during the session, which was read, and adopted.

Mr. Anderson, of Cherokee, moved that the House adjourn to 8 o'clock A. M., to-morrow. The motion did not prevail.

Mr. Manning moved that the House adjourn to 9 o'clock A. M., to-morrow.

Mr. Legate moved that the House adjourn, which motion prevailed, and at the hour of 12 o'clock M. the House adjourned.

WIRT W. WALTON, *Chief Clerk*.

## FORTY-FOURTH DAY.

### MORNING SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KANSAS, March 11, 1879. }  
10 o'clock A. M.

House called to order; Speaker Clarke in the chair.

Prayer by the Chaplain, Rev. T. W. Henderson.

Roll called. The following gentlemen present: Messrs. Albin, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Biddle, Bishop, Bissell, Blackman, Blanchard, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Calvin, Clogston, Cool, Corbin, Danhaur, Donahue, Eggers, Ewing, Farris, Faulkner, Gable (Frank M.), Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hewins, Hossack, Hutchison, James of Wyandotte, Keller, Kelley, Kennedy, Lawson, Legate, Leonard, Majors, Manning, Martin of Kingman, Martin of Labette, McClin-tick, McCrumb, McKay, Miller, Moore, Morgan, Myers, Prunty, Randolph, Rath, Riggs, Rood, Sallee, Seaton, Selover, Smith of Marshall, Stitt, Stumbaugh, Taylor, Towle, Tucker, Waite of Pawnee, Walker, White, Willey, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Absentees: Messrs. Alexander, Baker, Barrackman, Bevins, Bruner, Clapp, Clark, Congdon, Cunningham, Eastland, Eckles, Ellison, Fidler, Gillespie, Hall, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, James of Shawnee, Kollock, Loy, Martin of Miami, McMillen, Parsons, Price, Raybell, Rice, Richards, Robb, Scott, Shaw, Smith of Bourbon, Spilman, Stewart,

Tallman, Wait of Lincoln, Wait of Linn, Watson, and Wilson of Nemaha.

Quorum present.

On motion of Mr. White, the reading of the journal was dispensed with.

Mr. Anderson, of Cherokee, moved that the rules be suspended, and that House joint resolution No. 7, proposing an amendment to section 1, article 5 of the constitution, be considered now.

The motion prevailed, and House joint resolution No. 7 was read the third time, and the question being, Shall the resolution pass? the roll was called, with the following result:

Gentlemen voting in the affirmative were: Messrs. Albin, Anderson of Cherokee, Anderson of Shawnee, Armstrong, Ballard, Barber, Berry, Biddle, Bishop, Bissell, Boggs, Bower, Breyfogle, Briggs, Brinkman, Bronson, Bull, Callen, Calvin, Clapp, Cool, Danhaur, Donahue, Ewing, Faulkner, Gable (Thos. P.), Games, Godfrey, Greever, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hossack, Hutchison, Keller, Lawson, Legate, Leonard, Majors, Martin of Kingman, McClintick, McCrumb, McKay, Moore, Morgan, Robb, Rood, Towle, Tucker, Wait of Linn, Waite of Pawnee, White, Willey, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Beaty, Bevins, Blackman, Brown, Clogston, Corbin, Eggers, Farris, Gable (Frank M.), Gilmore, Greiffenstein, Hewins, James of Shawnee, James of Wyandotte, Manning, Martin of Labette, Miller, Myers, Prunty, Randolph, Rath, Riggs, Sallee, Seaton, Selover, Smith of Marshall, Stewart, Stitt, Taylor, Walker, Wilson of Jackson, Woodard, and Wright.

Gentlemen absent or not voting were: Messrs. Alexander, Baker, Barrackman, Blanchard, Bruner, Butts, Clark, Congdon, Cunningham, Eastland, Eckles, Ellison, Fisler, Gillespie, Hall, Hankins, Helmick, Henderson, Hodge, Huffaker, Humes, Kelley, Kennedy, Kollock, Loy, Martin of Miami, McMillen, Parsons, Price, Raybell, Rice, Richards, Scott, Shaw, Smith of Bourbon, Spilman, Stumbaugh, Tallman, Wait of Lincoln, Watson, and Wilson of Nemaha.

Less than "two-thirds of all the members elected to the House" having voted in the affirmative, the resolution did not pass.



## ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71," approved February 25, 1875, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 264, An act amending section 14, article 4, chapter 122, Laws of 1876, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom

was referred substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 336, An act to authorize the boards of county commissioners in their respective counties, and the council of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Secretary*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 176, An act to enable Lyon county to build certain bridges therein named, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 149, An act to provide for and to regulate the registration of voters in cities of the first class, and to repeal all acts in relation thereto, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1869, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 411, An act for the relief of persons therein named, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 124, An act for the relief of G. H. McConnell, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the

Senate refuses to concur in House amendments to Senate bill No. 193, An act making appropriations for miscellaneous expenses, and also refuses to concur in House amendments to Senate bill No. 201, An act making appropriation to the Legislative department.

HENRY BRANDLEY, *Secretary*.

Also, the following.

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 45, relating to the annexation of Kansas City, Missouri, to Kansas.

HENRY BRANDLEY, *Secretary*.

Mr. Manning moved that the House adhere to its amendments to Senate bill No. 201, An act making appropriation to the Legislative department, and ask for a committee of conference on the disagreement.

The motion prevailed, and Messrs. Manning, Eggers and Prunty were appointed as such committee.

Mr. Riggs moved that the House adhere to its amendments to Senate bill No. 196, An act making appropriations for miscellaneous expenses, and ask for a committee of conference.

The motion prevailed, and Messrs. Riggs, Waite of Pawnee and Parsons were appointed as such committee.

#### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was delivered by his private secretary:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

House bill No. 327, An act to establish the width of a State road from Topeka to Eskridge, in Wabaunsee county.

House bill No. 249, An act providing for recording of deeds and abstracts of title to certain lands patented by the State of Kansas to railroad companies.

House bill No. 104, An act to authorize the county of Johnson to take up and re-fund a portion of its railroad bonded indebtedness.

House bill No. 201, An act making appropriation for the Kansas State Horticultural Society for the fiscal years ending June 30, 1880, and June 30, 1881.

Substitute for House bill No. 20, An act to amend sections 3



and 4 of an act approved February 22, 1866, and to repeal section 2 of chapter 149, Session Laws of 1875, all relating to the sale of the lands of the State University.

House bill No. 147, An act making an appropriation for the erection of a hospital building, for furnishing the same and for improvements, for the Institution for the Blind, and to defray the current expenses thereof for the fiscal years of 1880 and 1881.

House bill No. 35, An act making an appropriation for the extension of the Insane Asylum at Osawatomie.

House bill No. 239, An act making appropriation to provide for the current expenses of the Institution for the Education of the Deaf and Dumb for the fiscal years ending June 30, 1880, and June 30, 1881.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 10, 1879.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate accedes to the request of the House, and appoints as a committee of conference on Senate bill No. 201, An act making appropriation to the Legislative Department, Senators Harris, Pyburn, and Carpenter.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has appointed Senators Morrill, Brown and Johnston as a committee of conference on Senate bill No. 196, An act making appropriation for miscellaneous expenses.

HENRY BRANDLEY, *Secretary*.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, and read:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

Substitute for House bill No. 70, An act defining the boundaries of Harper and Kingman counties.

House bill No. 290, An act authorizing School District No. 1, Foote county, Kansas, to vote bonds for the erection of a school house and furnishing the same.

House bill No. 124, An act for the relief of G. H. McConnell.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas.

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

House bill No. 354, An act to compel life insurance companies of this State to make certain deposits to secure their policyholders.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named.

House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of its subscription to the capital stock of any railroad company.

House bill No. 166, An act relating to taxation in Leavenworth county.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county.

Substitute for House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers.

Substitute for House bill No. 168, An act relating to deeds and conveyances.

Substitute for House bill No. 117, An act authorizing the sinking of a shaft and mining coal at the State Penitentiary, and making appropriations for the same.

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny.

And substitute for House bill No. 77, An act to provide for the allowance of the claims growing out of the Price raid in 1864, and the defense of the State against Indians during said year, and making an appropriation for the payment of the same.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 11, 1879.

## APPOINTMENT.

The Speaker announced the following appointment:

By virtue of authority in me, I hereby appoint Miss Grace M. Buckland Twenty-second Assistant Enrolling Clerk of the House of Representatives.

SIDNEY CLARKE,

*Speaker of the House.*

Miss Buckland appeared, and subscribed to the following oath, which was administered by the Speaker:

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully perform the duties of Twenty-second Assistant Enrolling Clerk of the House of Representatives. So help me God.

(Signed) GRACE M. BUCKLAND.

Subscribed and sworn to before me, this 11th day of March, A. D. 1879.

SIDNEY CLARKE,

*Speaker of the House.*

Mr. Riggs moved to reconsider the vote by which the House concurred in Senate amendments to substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof; and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided.

Mr. Biddle moved to lay the motion on the table; upon which motion the yeas and nays were demanded and had, with the following result:

Whole number of votes cast, 76; majority under the rule, 39. Yeas, 29; nays, 47; absent or not voting, 53.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Shawnee, Ballard, Biddle, Bishop, Breyfogle, Brinkman, Butts, Clapp, Eastland, Games, Gillespie, Gilmore, Godfrey, Hamilton of Norton, Hartshorne, Kelley, Lawson, Martin of Kingman, Moore, Myers, Towle, Tucker, Wait of Linn, White, Willey, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Anderson of Ellsworth, Armstrong, Barrackman, Beaty, Berry, Bevins, Bissell, Blackman, Bower, Bronson, Brown, Bull, Callen, Clogston, Corbin, Danhaur, Farris, Faulkner, Gable (Frank M.), Greiffenstein, Hamilton of Marshall, Hewins, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Manning, Martin of Labette, McCrumb, McKay, Miller, Morgan, Parsons, Randolph, Rath, Riggs, Sallee, Seaton, Selover, Smith of Marshall, Stitt, Stumbaugh, Taylor, Waite of Pawnee, and Wilson of Jackson.

Gentlemen absent or not voting were: Messrs. Albin, Anderson of Cherokee, Baker, Barber, Blanchard, Boggs, Briggs, Bruner, Calvin, Clark, Congdon, Cool, Cunningham, Donahue, Eckles, Eggers, Ellison, Ewing, Fisler, Gable (Thos. P.), Greever, Hall, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, Kollock, Legate, Leonard, Loy, Majors, Martin of Miami, McClintick, McMillen, Price, Prunty, Raybell, Rice, Richards, Robb, Rood, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Tallman, Wait of Lincoln, Walker, Watson, and Wilson of Nemaha.

The motion to lay on the table did not prevail.

The question being on the motion to reconsider, the motion prevailed.

The question being to concur in Senate amendments to substitute for House bill No. 100, Mr. Riggs moved that the House non-concur, which motion prevailed.

By consent, Mr. Hamilton, of Marshall, offered the following resolution:

*Resolved*, That in all cases where any members of this House have drawn from the State Library any of the Session Laws, or General Statutes, for the purpose of legislation and use during the session, which have been unavoidably lost, such members shall not be charged for such books: *Provided*, That this resolution shall not apply to Session Laws of 1874, but shall apply to books concerning railroads and railroad law.

The resolution was adopted.

By consent, Mr. Bissell offered the following resolution:

*Resolved*, That the Chief Clerk of the House is hereby instructed to issue certificates for extra work performed by the different clerks of the House after night.

The resolution was not adopted.



Mr. Waite, of Pawnee, moved that the House ask the Senate for a committee of conference on substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein; to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and fix the terms of court thereof; and to detach certain counties herein named from the judicial districts in which they are now situate, and attach them to others as herein provided. The motion prevailed.

Senate concurrent resolution No. 29, relating to the transcribing of the journals of the Senate and House, was read, and on motion, concurred in.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has agreed to a committee of conference on House bill No. 100, in relation to the judicial districts of the State, and has appointed Senators Guthrie, Murdock and Myers as the committee on the part of the Senate.

HENRY BRANDLEY, *Secretary*.

The Speaker announced the following as the committee on the part of the House on House bill No. 100: Messrs. Waite of Pawnee, Eastland, and Sallee.

#### THIRD READING OF BILLS.

Senate bill No. 145, An act providing for the engrossing and enrolling of the bills, resolutions, etc., of the Legislature, and fixing the compensation thereof, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 75; constitutional majority, 65. Yeas, 73; nays, 2; absent or not voting, 54.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Barrackman, Beaty, Berry, Bevins, Biddle, Bishop, Bissell, Blackman, Bower, Breyfogle, Briggs, Brinkman, Bronson, Brown, Bull, Butts, Callen, Clogston, Cool, Corbin, Donahue, Eastland, Eggers, Ewing, Farris, Faulkner, Gilmore, Godfrey, Greever, Greiffenstein, Hall, Hamilton of Marshall, Hamilton of Norton, Hartshorne, Hewins,

Hodge, James of Shawnee, Keller, Kennedy, Majors, Manning, Martin of Labette, McCrumb, Miller, Moore, Morgan, Myers, Prunty, Rath, Richards, Robb, Sallee, Seaton, Selover, Stitt, Stumbaugh, Taylor, Towle, Wait of Lincoln, Walker, White, Willey, Wilson of Jackson, Woodard, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Gable (Frank M.) and Tucker.

Gentlemen absent or not voting were: Messrs. Albin, Baker, Blanchard, Boggs, Bruner, Calvin, Clapp, Clark, Congdon, Cunningham, Danhaur, Eckles, Ellison, Fisler, Gable (Thos. P.), Games, Gillespie, Hankins, Helmick, Henderson, Hossack, Huf-faker, Humes, Hutchison, James of Wyandotte, Kelley, Kollock, Lawson, Legate, Leonard, Loy, Martin of Kingman, Martin of Miami, McClintick, McKay, McMillen, Parsons, Price, Randolph, Raybell, Rice, Riggs, Rood, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Tallman, Wait of Linn, Waite of Pawnee, Watson, and Wilson of Nemaha.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

#### MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted House concurrent resolution No. 43, relating to the improvement of the Kansas river.

Also, House concurrent resolution No. 47, thanking the people of Topeka for their courtesies in extending free use of library.

HENRY BRANDLEY, *Secretary*.

Senate bill No. 185, An act to ascertain and establish the permanent lines, corners and boundaries of all streets, alleys, avenues, lots, blocks, parks and public grounds of the original town site of the town of Wichita, and the several additions thereto, in the city of Wichita, Sedgwick county, Kansas, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65; Yeas, 67; nays, 5; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Blackman, Bower, Breyfogle, Brinkman, Bronson, Butts, Callen, Clapp, Clogston, Cool, Donahue, Eastland, Eggers, Faulkner, Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hewins, Hodge, Hutchison, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Leonard, Majors, Manning, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Rath, Richards, Robb, Sallee, Seaton, Selover, Smith of Marshall, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Wilson of Jackson, and Wright.

Gentlemen voting in the negative were: Messrs. Bull, Farris, Gable (Frank M.), Martin of Labette, and Prunty.

Gentlemen absent or not voting were: Messrs. Albin, Baker, Barrackman, Bishop, Bissell, Blanchard, Boggs, Briggs, Brown, Bruner, Calvin, Clark, Congdon, Corbin, Cunningham, Danhaur, Eckles, Ellison, Ewing, Fisler, Games, Gillespie, Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McMillen, Price, Randolph, Raybell, Rice, Riggs, Rood, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Wait of Linn, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 192, An act legalizing the incorporation of the city of McPherson, Kansas, and subsequent acts of the City Council, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 67; nays, 5; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Bevins, Biddle, Blackman, Bower, Breyfogle, Brinkman, Bronson, Butts, Callen, Clapp, Clogston, Cool, Donahue, Eastland, Eggers, Faulkner,

Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hewins, Hodge, Hutchison, James of Shawnee, Keller, Kelley, Kennedy, Lawson, Leonard, Majors, Manning, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Rath, Richards, Robb, Sallee, Seaton, Selover, Smith of Marshall, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Wilson of Jackson, and Wright.

Gentlemen voting in the negative were: Messrs. Bull, Farris, Gable (Frank M.), Martin of Labette, and Prunty.

Gentlemen absent or not voting were: Messrs. Albin, Baker, Barrackman, Bishop, Bissell, Blanchard, Boggs, Briggs, Brown, Bruner, Calvin, Clark, Congdon, Corbin, Cunningham, Danhaur, Eckles, Ellison, Ewing, Fisler, Games, Gillespie, Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McMillen, Price, Randolph, Raybell, Rice, Riggs, Rood, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Wait of Linn, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 138, An act to enable the county commissioners of any county to dispose of lands and town lots held by the county for delinquent taxes for three years, and to repeal section 35 of chapter 34, Laws of 1876, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 72; constitutional majority, 65. Yeas, 66; nays, 6; absent or not voting, 57.

Gentlemen voting in the affirmative were: Messrs. Alexander, Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Beaty, Berry, Beyins, Biddle, Blackman, Bower, Breyfogle, Brinkman, Bronson, Butts, Callen, Clapp, Clogston, Cool, Donahue, Eastland, Eggers, Faulkner, Gable (Thos. P.), Gilmore, Godfrey, Greever, Greiffenstein, Hamilton of Norton, Hartshorne, Hewins, Hodge, Hutchison, James of Shawnee, Keller, Kelley, Kennedy, Law-



son, Leonard, Majors, Manning, McCrumb, McKay, Miller, Moore, Morgan, Myers, Parsons, Rath, Richards, Robb, Sallee, Seaton, Selover, Smith of Marshall, Stumbaugh, Taylor, Towle, Tucker, Wait of Lincoln, Waite of Pawnee, Walker, White, Wilson of Jackson, and Wright.

Gentlemen voting in the negative were: Messrs. Bissell, Bull, Farris, Gable (Frank M.), Martin of Labette, and Prunty.

Gentlemen absent or not voting were: Messrs. Albin, Baker, Barrackman, Bishop, Blanchard, Boggs, Briggs, Brown, Bruner, Calvin, Clark, Congdon, Corbin, Cunningham, Danhaur, Eckles, Ellison, Ewing, Fisler, Games, Gillespie, Hall, Hamilton of Marshall, Hankins, Helmick, Henderson, Hossack, Huffaker, Humes, James of Wyandotte, Kollock, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McMillen, Price, Randolph, Raybell, Rice, Riggs, Rood, Scott, Shaw, Smith of Bourbon, Spilman, Stewart, Stitt, Tallman, Wait of Linn, Watson, Willey, Wilson of Nemaha, Woodard, and Speaker Clarke.

And so, a constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title, being again read, was agreed to.

Ordered that the Chief Clerk inform the Senate thereof.

Senate bill No. 14, An act to amend an act entitled "An act concerning district courts," approved February 25, 1868, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result:

Whole number of votes cast, 68; constitutional majority, 65. Yeas, 58; nays, 10; absent or not voting, 61.

Gentlemen voting in the affirmative were: Messrs. Anderson of Cherokee, Anderson of Ellsworth, Anderson of Shawnee, Armstrong, Ballard, Barber, Berry, Bevins, Biddle, Blackman, Bower, Breyfogle, Briggs, Brinkman, Butts, Callen, Clapp, Clogston, Donahue, Eastland, Eggers, Farris, Faulkner, Gable (Thos. P.), Games, Gilmore, Godfrey, Greever, Greiffenstein, Harts-horne, Hodge, Hutchison, James of Shawnee, James of Wyandotte, Keller, Kennedy, Leonard, Majors, Manning, Miller, Moore, Morgan, Myers, Prunty, Randolph, Richards, Robb, Seaton, Selover, Stumbaugh, Towle, Tucker, Wait of Lincoln, Walker, White, Wilson of Jackson, Wright, and Speaker Clarke.

Gentlemen voting in the negative were: Messrs. Bull, Cool,

Hamilton of Marshall, Hamilton of Norton, Kelley, Martin of Labette, McKay, Sallee, Taylor, and Willey.

Gentlemen absent or not voting were: Messrs. Albin, Alexander, Baker, Barrackman, Beaty, Bishop, Bissell, Blanchard, Boggs, Bronson, Brown, Bruner, Calvin, Clark, Congdon, Corbin, Cunningham, Danhaur, Eckles, Ellison, Ewing, Fisler, Gable (Frank M.), Gillespie, Hall, Hankins, Helmick, Henderson, Hewins, Hossack, Huffaker, Humes, Kollock, Lawson, Legate, Loy, Martin of Kingman, Martin of Miami, McClintick, McCrumb, McMillen, Parsons, Price, Rath, Raybell, Rice, Riggs, Rood, Scott, Shaw, Smith of Bourbon, Smith of Marshall, Spilman, Stewart, Stitt, Tallman, Wait of Linn, Waite of Pawnee, Watson, Wilson of Nemaha, and Woodard.

Less than a constitutional majority having voted in favor of the passage of the bill, the bill did not pass.

Mr. Smith, of Marshall, moved that the House take a recess until 1:30 o'clock P. M. The motion prevailed.

The House reconvened at 1:30 P. M.; Speaker Clarke in the chair.

The following report from the committee of conference on Senate bill No. 201, An act making appropriation to the Legislative department, was received:

MR. SPEAKER: The committee of conference on Senate bill No. 201 have had under consideration the matter of disagreement between the two houses on said bill, and recommend that the Senate agree to the amendment offered by the House in relation to mileage to the officers of the Legislature.

E. C. MANNING,  
*Chairman on part of House.*

On motion, the report of the committee was agreed to.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted the report of the committee of conference on Senate bill No. 201, An act making appropriation to the Legislative department, which recommends that the Senate concur in House amendment striking out mileage for officers of the Legislature.

HENRY BRANDLEY, *Secretary.*

Mr. James, of Wyandotte, moved to reconsider the vote by which the resolution relieving members from responsibility of loss for books taken from the State Library, was adopted. The motion prevailed.

Mr. James, of Wyandotte, moved the indefinite postponement of the resolution, which motion prevailed.

By unanimous consent, Mr. Fislser was excused from attendance during the remainder of the session, on account of sickness.

By consent, Mr. Biddle offered the following:

*Whereas*, R. E. Stevenson, Assistant Sergeant-at-Arms, having been present and assisted during the entire session: therefore, be it

*Resolved*, That he be allowed pay for the full term.

Agreed to.

Mr. Gilmore, chairman of the Committee on Assessment and Taxation, submitted the following report:

MR. SPEAKER: Your Committee on Assessment and Taxation, to whom was referred House bill No. 195, An act entitled "An act for the taxation of corporations," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that its author be allowed to withdraw it from the further consideration of the House.

JOHN S. GILMORE, *Chairman*.

Mr. Riggs, chairman of the committee of conference on Senate bill No. 196, An act making appropriation for miscellaneous expenses, submitted the following report:

MR. SPEAKER: Your conference committee on Senate bill No. 196, An act making appropriations for miscellaneous expenses, beg leave to report:

1st. That the House amendment to the title be stricken out, as also section 3 of the bill.

2d. Concur in House amendment as to item 9—striking out allowance to Hon. K. H. Barrackman, for expenses of contesting election.

3d. That item 11, stricken out by the House, be restored.

4th. Concur in House amendment to item 16—allowing John Francis \$300.

5th. Concur in House amendment to item 32.

6th. Concur in House amendment to item 33.

7th. Concur in House amendments to items 35 and 36.

8th. Strike out House amendment to item 72.

9th. Strike out item 85.

10th. Concur in House amendment to item 86.

11th. Concur in House amendment to item 87, with proviso, "that voucher shall be approved by State Auditor."

12th. Concur in House amendment to item 88, with proviso, "that same shall be in full of all claims against the State."

13th. Concur in item 89.

14th. Concur in item 90.

The conference committee would further report that they are unable to agree as to items 6, 84, 91 and 92, and that they add item 93, for payment to J. C. Stone, \$163.40, for taking census of Pratt county, by order of the Governor, as per sworn voucher approved by John P. St. John, Governor.

S. A. RIGGS, *Chairman*.

Mr. Riggs moved the report be adopted. The motion prevailed.

Mr. Anderson, of Cherokee, moved to reconsider the vote by which the report was adopted. The motion prevailed.

Mr. Biddle moved to reject the report of the committee, and that a new conference committee be appointed. The motion prevailed.

Whereupon Messrs. Waite, of Pawnee, Clapp and Parsons were appointed as such committee.

By consent, Mr. Callen offered House concurrent resolution No. 38, in relation to adjournment, as follows:

*Resolved by the House, the Senate concurring therein*, That all Legislative business cease at 4 o'clock P. M., March 11th, and that the Legislature adjourn *sine die* at 12 o'clock M., March 12th, 1879.

On motion, the resolution was adopted.

#### HOUSE BILL NO. 100.

The conference committee on substitute for House bill No. 100, An act to create the Sixteenth and Seventeenth Judicial Districts, to provide for Judges thereof and for holding terms of court therein, to define the boundaries of the Ninth, Thirteenth and Fifth Judicial Districts, and to fix the terms of court thereof, and to detach certain counties herein named from the judicial



districts in which they are now situate, and attach them to others as herein provided, submitted the following report:

MR. SPEAKER: The committee of conference on the disagreement of the two houses on House bill No. 100 report that they cannot agree upon the action of either house, but have agreed and report in favor of creating the Sixteenth Judicial District, as provided for in the substitute herewith submitted.

D. H. WAITE,

*Chairman on part of House.*

W. W. GUTHRIE,

*Chairman on part of Senate.*

Mr. Callen moved the adoption of the report. The motion prevailed.

Mr. Clapp offered the following resolution, and moved its adoption:

*Resolved*, That the report of the Committee on Public Lands, in relation to the school, college, University and Normal School lands, together with the statistics showing the account of school lands sold and unsold, when printed, be turned over to the Secretary of State, who is hereby requested to send a copy to each member of the Legislature, and to deposit the remainder with the Auditor of State for such use as he may find most desirable.

The motion prevailed.

Mr. Biddle offered the following resolution:

*Resolved*, That the Journal Clerk of this House receive the same pay that has been provided for the office of Docket Clerk, and that the Chief Clerk and Journal Clerk be allowed a period not exceeding ten days' time, after the adjournment, for the purpose of giving due and requisite attention to the journals of the House in any necessary comparison with the records of the Legislature.

On motion, the resolution was adopted.

Mr. Moore offered the following resolution:

*Resolved*, That the House tender its sincere thanks to the clerks of the House for their prompt attention to business and kindness towards its members.

Mr. Bissell moved to strike out "clerks," and insert "officers," which motion prevailed.

On motion, the resolution, as amended, was adopted.

Mr. Greever offered House concurrent resolution No. 49, in-

structing our Senators and requesting our Representatives to secure the passage of a measure through Congress, attaching Kansas City, Missouri, to Kansas.

Agreed to.

Mr. White offered the following, which was *unanimously* adopted:

*Resolved*, That there is hereby appropriated out of any money left in the State treasury (if there is any) one hundred dollars for the purpose of purchasing a wig for the venerable head of the member from Shawnee (Hon. T. J. Anderson).

Mr. Callen offered the following resolution:

*Resolved*, That the Chief Clerk is hereby instructed to allow each of the following-named clerks two extra days for copying testimony for the committee on investigation: Jennie Shoemaker, Lola Bell, Mrs. Ness, Hattie Johnson, Miss Hughes, Clarence Woodruff, Lee Crocket, Mrs. Brown, A. J. Buckland, E. R. McBride, W. W. Cone, and Wm. A. Madaris.

Agreed to.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted the report of the conference committee on Senate bill No. 196, An act making appropriation for miscellaneous expenses, but accedes to the request of the House, and appoints a new committee on that part of the report not agreed upon by the House. Committee: Senators Hallowell, Morrill, and Taylor.

HENRY BRANDLEY, *Secretary*.

#### ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 417, An act to legalize the official acts of H. H. Reed, a Justice of the Peace, in Center township, Smith county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 112, An act to amend an act for the regulation and support of common schools, approved March 4, 1876, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880 and 1881, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 24, An act making appropriations for State Penitentiary for the fiscal years 1880 and 1881, and for deficiency for the year ending June 30, 1879, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1871, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 402, An act for the relief of James

F. Cooper, County Treasurer of Mitchell county, State of Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 421, An act to legalize the official acts of the County Commissioners of Davis county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 336, An act to authorize the boards of county commissioners, in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 159, An act to provide for building and repairing bridges in counties having twenty thousand inhabitants or more, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### SENATE BILL NO. 196.

The second conference committee on Senate bill No. 196, An act making an appropriation for miscellaneous expenses, submitted the following report:

MR. SPEAKER: I am directed to report that the committee



recommend that items 6, 91 and 92 remain as amended by the House, and that item 84 be amended so that the reporter of the *Commonwealth* receive \$150, the reporter of the *Blade* receive \$150, and the reporter of the *Atchison and Topeka Courier* receive \$150.

D. H. WAITE,

*Chairman on part of House.*

On motion, the report was adopted.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received:

MR. SPEAKER: I am directed to inform the House that the Senate has adopted the report of the second conference committee on Senate bill 196, the miscellaneous appropriation bill.

HENRY BRANDLEY, *Secretary.*

Mr. Hamilton, of Marshall, moved that the House indefinitely postpone the further consideration of Senate bills Nos. 6, 21, 48, 80, 81, 60, 98, 62, 55, 36, 2, 72, 27, 111, 112, 120, 141, 151, 132, 178, 181, 189, 182, 190, 130, 113, and 52.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has amended and concurred in House concurrent resolution No. 48, relating to adjournment *sine die*.

S. M. STRICKLER,

*Assistant Secretary of the Senate.*

On motion of Mr. Callen, the House concurred in the Senate amendments to House concurrent resolution No. 48.

#### MESSAGE FROM THE GOVERNOR.

The following message was delivered to the House by the Governor's private secretary:

TO THE HOUSE OF REPRESENTATIVES: I have this day approved the following bills:

House bill No. 166, An act relating to taxation in Leavenworth county.

House bill No. 88, An act to authorize the County Commissioners of Jefferson county to provide for building a certain bridge.

Substitute for House bill No. 168, An act relating to deeds and conveyances.

House bill No. 176, An act to enable Lyon county to build certain bridges therein named.

House bill No. 70, An act defining the boundaries of Harper and Kingman counties.

House bill No. 124, An act for the relief of G. H. McConnell.

House bill No. 300, An act authorizing the Board of County Commissioners of the county of Johnson, State of Kansas, to pay A. J. Clemmans, Sheriff of said county, certain moneys expended by said Sheriff in the arrest and return to said county of Tom Richey, who was convicted of rape and grand larceny.

House bill No. 230, An act to amend chapter 92 of the Laws of 1875, relating to townships and township officers.

House bill No. 290, An act authorizing School District No. 1, Foote county, State of Kansas, to vote bonds for the purpose of erecting a school house and furnishing the same.

House bill No. 207, An act authorizing Noah Weaver to build and maintain a mill-dam across the Solomon river, in Norton county.

House bill No. 117, An act authorizing the sinking of a coal shaft and mining coal at the State Penitentiary, and making appropriations therefor.

House bill No. 302, An act for the relief of Mission township, Neosho county, Kansas.

House bill No. 216, An act to authorize and empower the county of Leavenworth to raise money to purchase its bonds issued on account of the subscription to the capital stock of any railroad company.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KAS., March 11, 1879.

On motion of Mr. Callen, the House took a recess until 7 o'clock P. M.

7 O'CLOCK P. M.—House reconvened; Speaker Clarke in the chair.

Music by the U. S. Nineteenth Infantry Band, from Fort Leavenworth, Kansas.

Mr. Hodge, member of the Committee on Ways and Means, offered the following resolution:

*Whereas*, C. P. Bolmar, clerk of the joint Committee on Ways and Means of the House, has faithfully performed the duties assigned him in a prompt and efficient manner: therefore,

*Resolved*, That the House tender him its sincere thanks, and that this resolution be spread upon the journal.

The resolution was adopted.

#### RESOLUTION OF THANKS.

Mr. Anderson, of Shawnee, offered the following resolution, and moved its adoption:

*Resolved*, That the thanks of the members of this body be tendered Hon. Sidney Clarke, Speaker, and Hon. Jno. M. Price, Speaker *pro tem.*, for the very efficient and prompt manner in which they have discharged the duties devolving upon them.

The resolution was adopted, whereupon Mr. Speaker Clarke replied as follows:

*Gentlemen of the House of Representatives:* The hour for the final adjournment of this body will soon arrive. After a session extending for several days beyond the constitutional limitation, and characterized by unusual activity, we are about to separate. The diversity of opinion which has existed in regard to men and measures, and the intensity of feeling which has characterized the debate of disputed questions, has been no greater than is common to all legislative assemblies. The time will never come, in the administration of human government, when interests will not conflict, or when men will not differ in their methods for the accomplishment of a common purpose. The free intellectual conflicts which belong to the solution of all public questions under our republican system, are a source of public safety, and are a continued assurance of the permanency of the form of government under which we live. Despotism discourages, and republicanism encourages, freedom of thought and freedom of public discussion. Here the will of the many is supreme, and the voice which is most potent in law and politics is evolved from that public opinion which expresses the will of the majority of the whole body of the people. Though men will live and die, and the acts of public servants will be approved and condemned by those they represent, may we not express the hope that this great and free government of ours will live through the coming centuries, and continue to shed the benign influence of its Christian civilization on the unborn millions of the future?

I am happy to bear testimony to the fact that it has been the evident purpose of this House to represent with fidelity the in-

terests of the people of the State. I think it has been the intention of all the members of this House to faithfully represent their several constituencies. If important measures demanded by the people have been defeated, much important legislation needed by this rapidly-growing State has been accomplished. For all neglect of duty, and for all our acts, we must answer to our constituents; and by their judgment, whether it be one of condemnation or approval, we must all abide.

From all the members of this House, and from all of its officers, I have received kind and courteous treatment. The duties of the chair are always delicate and responsible. If, in the heat of the moment, I have uttered a single word I ought not to utter, or have done that which I ought not to do, I beg to express my sincere regret—for it was an error of the head, and not of the heart. To each and all, I extend the hand of friendly greeting; and, thanking you, gentlemen, for your uniform kindness, I wish you all a safe return to your homes and to your families, and that health, happiness and prosperity may be yours to the end of life.

Mr. Biddle offered the following resolution:

*Resolved*, That the thanks of this House are hereby extended to Wirt W. Walton, Chief Clerk, and Wm. Higgins, Sergeant-at-Arms, for the very satisfactory manner in which they have discharged the duties of their respective positions.

On motion, the resolution was adopted.

On motion, the House took a recess until Wednesday, at 10 o'clock A. M.

WIRT W. WALTON, *Chief Clerk*.



## FORTY-FIFTH DAY.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
TOPEKA, KANSAS, Wednesday, March 12, 1879. }

The House reconvened at the hour of 10 o'clock A. M.; Speaker Clarke in the chair.

## MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read :

MR. SPEAKER: I am directed to inform the House that the Senate has adopted Senate concurrent resolution No. 31, relative to adjournment *sine die*, and respectfully desires your concurrence therein.

HENRY BRANDLEY, *Secretary*.

Mr. Manning moved to amend the resolution, by striking out, "10 o'clock A. M., to-morrow," and inserting, "4 o'clock P. M., to-day." The motion prevailed.

Mr. Hodge offered the following resolution, which on motion was adopted:

*Resolved*, That no business will be transacted hereafter during the session, except to receive messages from the Governor, and messages from the Senate, and resolutions relating to adjournment.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor, and read :

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have approved the following bills:

House bill No. 378, An act to authorize the Board of County Commissioners of Pottawatomie county to build a bridge, and to appropriate money therefor.

House bill No. 210, An act providing for changing the fronting of lots in incorporated cities.

House bill No. 183, An act to extend the time of payment of securities belonging to the State permanent school funds, and authorizing the commissioners of said funds to sell the United

States Government bonds in which a part of said funds are invested, and to use the proceeds in purchasing school-district bonds.

Substitute for House bill No. 24, An act making appropriations for the State Penitentiary for the fiscal years ending June 30, 1880, and June 30, 1881, and for deficiency from the year ending June 30, 1879.

House bill No. 393, An act to vacate part of an alley in the city of Oswego, in Labette county.

House bill No. 153, An act to authorize the County Commissioners of Phillips county, Kansas, to issue bonds to fund the county indebtedness.

House bill No. 189, An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies, or other corporations, firms or individuals.

Substitute for House bill No. 69, An act supplemental to an act entitled "An act to authorize proceedings in justice courts against garnishees," being chapter 163, Laws of 1872, providing the manner of service in certain cases.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 11, 1879.

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have approved the following bills:

House bill No. 264, An act to amend section 14, article 4, chapter 122, Laws of 1876.

House bill No. 287, An act to amend an act entitled "An act to incorporate cities of the second class, as amended section 1, chapter 71 of Laws of 1875," approved February 25, 1875.

House bill No. 416, An act authorizing the Board of County Commissioners of Davis county to issue bonds for building bridges in said county.

House bill No. 276, An act to provide for the taxation of State Normal School lands when sold.

House bill No. 149, An act to provide for and regulate the registration of voters in cities of the first and second class, and to repeal all prior acts in relation thereto.

House bill No. 163, An act supplemental to an act entitled "An act to provide for the regulation of the running at large of

animals," approved February 24, 1872, being chapter 193 of the Session Laws of Kansas for 1872.

House bill No. 406, An act for the relief of Neosho county, Kansas.

House bill No. 125, An act authorizing an enumeration of persons of school age in Harper county, Kansas, and providing that said county shall receive its proportion of the annual school fund of 1879.

House bill No. 316, An act to regulate the admission of foreign fire insurance companies to do business in this State.

House bill No. 236, An act to amend section 1, chapter 98, Laws of 1875, being an act entitled "An act to amend section 139 of article 10, chapter 25 of the General Statutes of 1868, an act entitled 'An act relating to counties and counties officers.'"

House bill No. 411, An act for the relief of persons therein named.

House bill No. 178, An act to amend an act entitled "An act to incorporate cities of the first class," approved February 24, 1868, and to authorize boards of education of cities of the first class to re-fund certain bonds.

Substitute for House bills Nos. 161, 37, and 375, An act legalizing the official acts of D. J. Reber, a Notary Public in and for Butler county, Kansas; of George S. Green, a Notary Public in and for Riley county, Kansas; of F. A. Reed, a Notary Public in and for Pottawatomie county, Kansas; and of J. M. Sheafor, a Notary Public in and for Shawnee county, Kansas.

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE OFFICE,

TOPEKA, KANSAS, March 11, 1879.

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have this day approved the following bills:

House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier.

Substitute for House bill No. 243, An act regulating the inspection and sale of oils for illuminating purposes in the State of Kansas.

House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits, or the creation of debts, when such bank is insolvent or in a failing condition.

House bill No. 244, An act for the relief of C. S. Easley, of Reno county.

Substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133, Laws of 1877.

House bill No. 142, An act to amend section 11, chapter 208, approved March 7, 1877, regulating weights and measures.

House bill No. 180, An act providing for the drainage of swamp bottoms or other low lands.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE DEPARTMENT,

TOPEKA, KANSAS, March 12, 1879.

#### ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 180, An act providing for the drainage of swamp, bottom, or other low lands, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 165, An act providing for punishment of bank officers for the reception of deposits or the creation of debts when insolvent or in failing condition, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary



of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 164, An act making officers of banking institutions responsible for the reception of deposits or the creation of debts when insolvent or in a failing condition, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 175, An act to locate and establish a State road from Emporia to Council Grove, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Secretary*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 194, An act to authorize Township Trustees of Center and Peabody townships, Marion county, to expend one thousand dollars each in improving the public highways in said townships, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 179, An act authorizing County Commissioners of Norton county to issue bonds for the purpose of funding indebtedness of said county, and to defray current expenses of 1879, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the

Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 157, An act relating to State and county roads, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 132, An act to legalize the acts of the township officers of Elk township, in the county of Cloud and State of Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 120, An act removing the political disabilities of parties herein named, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bills Nos. 130 and 318, An act to amend section 1 of chapter 133 of Laws of 1877, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to [whom was referred House bill No. 142, An act to amend section 2, chapter 208, regulating weights and measures, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

#### MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received, and read:

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have this day approved the following bills:

House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money for the purpose of building and maintaining a joint bridge over the One Hundred and Ten Creek, Osage county.

House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

House bill No. 402, An act for the relief of James F. Cooper, County Treasurer, Mitchell county, State of Kansas.

Substitute for House bill No. 144, An act to provide for the selection and purchase of a site, and the erection and equipment of State Reform School buildings, and making an appropriation therefor.

Substitute for House bill No. 329, An act authorizing the county treasurer of any county to transfer certain moneys from one fund to another.

House bill No. 388, An act to amend section 5, chapter 93 of the Session Laws of 1875.

House bill No. 165, An act providing for the punishment of officers of banking institutions, and private bankers and their officers, for receiving deposits or creating debts when such banking institutions are insolvent or in failing condition.

House bill No. 336, An act to authorize the boards of county commissioners in their respective counties, and the councils of incorporated cities, to grant license for the sale of intoxicating liquors for medicinal purposes.

House bill No. 112, An act to amend an act for the regulation and support of common schools, approved March 4, 1876.

House bill No. 303, An act excluding certain farming property from the corporate limits of Wyandotte city, Kansas.

Substitute for House bill No. 139, An act making appropriations to the State University for the fiscal years ending June 30, 1880 and 1881.

House bill No. 382, An act to authorize foreign executors, and administrators with the will annexed, to convey real estate in pursuance of power contained in the will.

Substitute for House bill No. 278, An act to amend chapter 16 of the General Statutes, entitled "An act to provide for the building of bridges," and section 2 of chapter 64 of the Session Laws of 1875.

House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness and to levy taxes to pay for the same, and providing for certain officers and their compensation and duties.

House bill No. 237, An act making an appropriation to aid the Neutral Land Defense Committee, in testing the title of the Missouri River, Fort Scott and Gulf Railway Company, or their successor or assignor, to the Cherokee neutral lands.

House bill No. 175, An act to locate and establish a State road from the city of Emporia to the town of Council Grove.

House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to Omio.

House bill No. 421, An act to legalize the official acts of the County Commissioners of Davis county, Kansas.

Substitute for House bill No. 263, An act making appropriations for the current expenses of the State Asylum for the Insane at Osawatomie for the fiscal years ending June 30, 1880 and 1881.

House bill No. 377, An act to authorize the Commissioners of Clay county to appropriate funds to aid in building a bridge over the Republican river on the line of Grant and Republican townships, and to authorize a levy of taxes to pay the same.

Substitute for House bill No. 120, An act removing the political disabilities of Robert N. Smith and others.

House bill No. 324, An act defining the boundaries of Decatur,



Rawlins, Sheridan, Thomas, Gove, Wallace, Lane, Buffalo, Foote, Meade, Scott, Sequoyah, Arapahoe, Seward, Wichita, Kearney, Grant, Stevens, Greeley, Hamilton, Stanton, Kansas, Cheyenne and Sherman counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof.

House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund.

House bill No. 179, An act authorizing the Board of County Commissioners of Norton county to issue bonds for the purpose of funding county indebtedness, and to defray current expenses for the year 1879.

Substitute for House bill No. 332, An act to establish the survey of the town site of Union, in the county of Riley, State of Kansas.

House bill No. 298, An act to vacate a part of the streets and alleys in the town of Bellvue, in Pottawatomie county.

Substitute for House bills Nos. 206, 224 and 326, An act to vacate certain streets, avenues and alleys in the town of St. George, proper, and also in the first and second additions to said town, Pottawatomie county, Kansas.

House bill No. 159, An act to provide for building and repairing bridges in counties having twenty thousand inhabitants or more, and in the counties of Davis, Barton, Washington, Dickinson, Linn, and Greenwood.

House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding and paying certain county indebtedness.

House bill No. 417, An act to legalize the official acts of H. H. Reed, a Justice of the Peace of Center township, Smith county, Kansas.

Substitute for House bill No. 240, An act amendatory of and supplemental to chapter 25 of the General Laws of 1868.

House bill No. 282, An act to dissolve the county organization of the county of Wallace, to provide for certain proceedings in the Supreme Court to complete the disorganization of said county, to provide for the expenses of said proceedings, and to attach said county to a certain other county for judicial, municipal and other purposes.

House bill No. 348, An act to amend sections 81, 87 and 88 of chapter 60 of the Session Laws of 1871.

House bill No. 194, An act to authorize the Township Boards of Center and Peabody townships, in the county of Marion, to expend the sum of \$1,000 each, of the funds of said townships, in the improvement of the public highways in said townships.

House bill No. 157, An act relating to State and county roads.

House bill No. 271, An act relating to roads and section lines in Marshall county.

Substitute for House bill No. 212, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, being an act amendatory of article 4 of chapter 122 of said act, and to repeal section 28 of said article 4 of said act.

House bill No. 281, An act to attach all unorganized counties in the State of Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in unorganized counties.

JOHN P. ST. JOHN, *Governor.*

EXECUTIVE OFFICE,

TOPEKA, March 12, 1879.

TO THE HOUSE OF REPRESENTATIVES: I have the honor to report that I have approved the following bills:

House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate any moneys in the hands of the Treasurer of said township, not otherwise appropriated, for the payment of erecting a certain bridge on the county line between Republic and Jewell counties, across White Rock creek, and to make such assessments as may be necessary for such purpose, and to legalize the acts of said Trustee in making the contract heretofore made for the erection of said bridge.

House bill No. 279, An act regulating the distribution and sale of Supreme Court Reports.

House bill No. 370, An act for the encouragement of agriculture.

House bill No. 235, An act making appropriations for the current expenses of the State Insane Asylum at Topeka, for the fiscal years ending June 30, 1880, and June 30, 1881.

House bill No. 218, An act for the relief of Neosho county, Kansas.

House bill No. 132, An act to legalize the act of the township officers of Elk township, in the county of Cloud and State of

Kansas, in issuing certain bonds for the purpose of building a bridge across the Republican river, and to provide for the registration of said bonds. JOHN P. ST. JOHN, *Governor.*

EXECUTIVE OFFICE,

TOPEKA, KAS., March 12, 1879.

#### ENROLLED BILLS.

Mr. James, of Wyandotte, chairman of the Committee on Enrolled Bills, submitted the following privileged reports:

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 340, An act to change the name of the town of Huron, Jewell county, Kansas, to the name of Omio, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 332, An act to establish survey of town site of Union, Riley county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman.*

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 377, An act to authorize the Board of Commissioners of Clay county to appropriate funds to aid in the building a bridge over the Republican river in Clay county, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the

same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 382, An act to authorize executors, and administrators with the will annexed, to convey real estate in pursuance of power contained in the will, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 384, An act to authorize the Board of County Commissioners of Barbour county to issue bonds for the purpose of funding certain indebtedness, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 329, An act authorizing the county treasurer of any county to transfer certain moneys from one fund to another, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 328, An act defining the boundaries of Decatur, Rawlins, Sheridan, Thomas, Gove, Wallace, Lane, Buffalo, Foote, Meade, Scott, Sequoyah, Arapahoe, Seward, Wichita, Kearney, Grant, Stevens, Greeley, Hamilton, Stanton, Kansas, Cheyenne and Sherman counties, in the State of Kansas, and repealing all former laws relating to the boundaries thereof, have examined and carefully compared the enrolled copy with



the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 335, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 303, An act excluding certain farming lands from the limits of Wyandotte city, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 388, An act to amend section 5 of chapter 93 of the Session Laws of 1875, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 212, An act to amend an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, being an act amendatory of article 4 of chapter 122 of said act, and to repeal section 28 of said article 4 of said chapter 122, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary

of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 278, An act to amend chapter 16 of General Statutes, entitled "An act to provide for the building of bridges, and section 2, chapter 64, Session Laws of 1875, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 218, An act for relief of Neosho county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 240, An act amendatory of and supplemental to chapter 25 of the General Laws of 1868, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 244, An act for the relief of C. L. Easley, of Reno county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom

was referred House bill No. 297, An act authorizing the Board of County Commissioners of Franklin county to appropriate money to build and maintain a joint bridge, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 282, An act to dissolve the organization of a county therein named, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 208, An act to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness and to levy taxes to pay the same, and to provide for certain officers and their compensation and duties, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 263, An act making an appropriation for the support of the State Insane Asylum at Osawatimie for the fiscal years ending June 30, 1880 and 1881, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 279, An act regulating the distribu-

tion and sale of Supreme Court Reports, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bill No. 235, An act making appropriation for the current expenses of the State Insane Asylum at Topeka for the fiscal years ending June 30, 1880, and June 30, 1881, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 281, An act to attach all unorganized counties in Kansas, now or hereafter attached to organized counties for judicial purposes, to the same counties for school purposes, and to provide for schools in organized counties, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 243, An act regulating the inspection and sale of oils for illuminating purposes in the State of Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 274, An act to enable the Trustee of White Rock township, in Republic county, to appropriate



certain moneys for the building of a certain bridge, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred substitute for House bills Nos. 206, 224 and 326, An act to vacate streets, avenues and alleys in St. George and its additions, in Pottawatomie county, Kansas, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 271, An act declaring section lines in Marshall county public highways, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval. L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 234, An act making appropriation for a military contingent fund, and to provide for a patrol guard on the frontier, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Chairman*.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom was referred House bill No. 237, An act appropriating \$2,000 to the Neutral Defense Committee, have examined and carefully compared the enrolled copy with the original bill, and find it correctly enrolled; have had the same signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and have presented the bill to the Governor for his approval.

L. E. JAMES, *Secretary*.

## MESSAGES FROM THE SENATE.

The following message from the Senate was received, and read:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House concurrent resolution No. 49, requesting our Senators and Representatives in Congress to procure legislation relating to the territory of Kansas City, Mo.

HENRY BRANDLEY, *Secretary*.

Also, the following:

MR. SPEAKER: I am directed to inform the House that the Senate has concurred in House amendments to Senate concurrent resolution No. 31, relative to adjournment *sine die*.

HENRY BRANDLEY, *Secretary*.

On motion, the House took a recess until 3 o'clock P. M.

THREE O'CLOCK P. M.

The House reconvened; Speaker Clarke in the chair.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and read:

MR. SPEAKER, AND HOUSE OF REPRESENTATIVES: I herewith return House bill No. 390, An act to authorize the county of Linn to create and establish a bridge fund, without my approval, for the reason that the purposes of this bill are fully provided for in House bill No. 278.

Very respectfully,

JOHN P. ST. JOHN, *Governor*.

EXECUTIVE DEPARTMENT,

TOPEKA, KAS., March 12, 1879.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate, and read:

MR. SPEAKER: I am directed to inform the House that Senators Gillett and Murdock have been appointed as members of the joint committee on annexation of Kansas City, Mo., in accordance with House concurrent resolution No. 45.

HENRY BRANDLEY, *Secretary*.

The Speaker announced the following gentlemen as the committee on the part of the House on House concurrent resolution No. 45: Messrs. Greever, Riggs, and Gilmore.

Mr. Alexander offered the following resolution, which, on motion, was adopted:

*Resolved*, That the Secretary of State is hereby authorized to tender the use of the hall of the House of Representatives for the use of the State Normal Academy of Music, the coming season.

Mr. Riggs moved that a committee of three be appointed to wait upon the Governor and ascertain if he had any further communication to make to the House. The motion prevailed.

Messrs. Riggs, Alexander and Hartshorne were appointed as such committee.

The committee returned, and reported that the Governor had no further communication to make to the House, except to thank the members individually and as a body for their extreme kindness and courtesy to him during the entire session.

The hour for adjournment, as stated in the concurrent resolution, having arrived, the Speaker declared the House adjourned *sine die*.

## RESOLUTIONS,

ADOPTED BY THE HOUSE, AND CONCURRED IN BY THE SENATE.

---

### CONGRATULATING HON. JOHN SHERMAN.

(House Concurrent Resolution No. 9: By Mr. Armstrong.)

*Resolved by the House of Representatives, the Senate concurring therein,* That we send greeting to the Hon. John Sherman, Secretary of the Treasury, congratulating him and the Nation on the successful return to specie payment; that we recognize in it a harbinger of peace and good-will to all the people of our Nation, and the beginning of a prosperity unexampled to this already prosperous people.

*Resolved,* That the Secretary of State be hereby directed to transmit a copy of these resolutions to his Excellency R. B. Hayes, President of the United States, and to the Hon. John Sherman, Secretary of the Treasury.

---

I certify that the foregoing concurrent resolution originated in the House January 21, and was adopted January 23, 1879.

WIRT W. WALTON, *Chief Clerk.*

Concurred in by the Senate, January 27, 1879.

HENRY BRANDLEY, *Secretary.*

---

### MEMORIALIZING CONGRESS—TEXAS PACIFIC RAILROAD.

(House Concurrent Resolution No. 30: By Mr. Anderson, of Shawnee.)

*Whereas,* It was the purpose of the Government in aiding in the construction of the Union and Central Pacific Railroads and the Kansas Pacific and Central Branch roads, that all should constitute a system based upon equitable and impartial coöperation; that the Kansas Pacific and Central Branch roads should



be afforded every facility for the transaction of business with the Union and Central Pacific roads upon equal terms with any other lines making connection with said Pacific roads; and

*Whereas*, The Union Pacific road, in violation of its charter and other legal requirements, has persistently and willfully refused to the Kansas road its rights and privileges under the law, and if Kansas and the States adjoining are to be placed upon equal footing with the States of Illinois and Iowa, that have roads controlled by Jay Gould, a new line must be secured to the Pacific coast; and

*Whereas*, The Atchison, Topeka & Santa Fé Railroad has constructed and is now operating an extension of its line into New Mexico, and has entered into contracts for a further extension to the Rio Grande river, and is now making surveys preparatory to an early completion of a connection with the Southern Pacific Railway; and

*Whereas*, This connection, to be made without asking subsidy of any character whatever from the Government, will secure to the new West a competing line to the Pacific coast: therefore, be it

*Resolved by the House of Representatives, the Senate concurring therein*, That our Senators be and they are hereby instructed, and our Representatives in Congress requested, to vote against any and all propositions coming before Congress looking to the granting to any corporation of a subsidy to enable such corporation to secure financial or other aid from the Government, to assist it in defeating the Atchison, Topeka & Santa Fé and Southern Pacific roads in completing such connection.

*Resolved*, That the Secretary of State be instructed to forward a certified copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and each of our Senators and Representatives in Congress.

---

I certify that the foregoing concurrent resolution originated in the House February 12, 1879, and was adopted by that body February 13, 1879. WIRT W. WALTON, *Chief Clerk*.

Concurred in by the Senate, February 14, 1879.

HENRY BRANDLEY, *Secretary*.

## MEMORIALIZING CONGRESS—INDIAN OUTRAGES.

(House Concurrent Resolution No. 32: By Mr. Lawson.)

*Resolved by the House of Representatives, the Senate concurring therein,* That whereas, it has become evident that the force of United States troops now kept on the frontier for its protection from Indian outrages, is inadequate for that purpose; and whereas, we believe the forts now occupied by said troops are not so located as to best protect our borders: therefore, be it

*Resolved by the House, the Senate concurring therein,* That our United States Senators and Representatives in Congress be instructed to use their efforts to secure such action by the National Congress as will secure us against the reoccurrence of the scenes of last August.

*Resolved,* That a copy of these resolutions be forwarded by the Secretary of State to the Senators and Representatives in Congress.

I certify that the foregoing resolution originated in the House February 13, 1879, and was adopted by that body February 14, 1879.

WIRT W. WALTON, *Chief Clerk.*

Concurred in by the Senate, February 18, 1879.

HENRY BRANDLEY, *Secretary.*

## MEMORIALIZING CONGRESS—INDEMNITY LANDS.

(House Concurrent Resolution No. 37: By Mr. Rath.)

*Whereas,* The title to certain lands in Allen county, Kansas, known as indemnity lands, has long been in dispute between the settlers thereon and the Leavenworth, Lawrence & Galveston and the Missouri, Kansas & Texas Railroad Companies; and

*Whereas,* The Government of the United States is a party interested in the question at issue, in that, if the decision is rendered adversely to said railroad companies, the title to said lands would be vested in said Government; and

*Whereas,* Said question can only reach a final decision through the federal courts: therefore,

*Resolved by the House of Representatives of the State of Kansas,*

*the Senate concurring therein*, That our Senators be instructed, and our Representatives in Congress requested, to procure such action as shall authorize and instruct the Attorney General of the United States to institute a suit in the federal courts for the purpose of quieting the title claimed by said railroad companies to said land, and reverting the same to the Government of the United States.

*Resolved*, That the Secretary of State be and is hereby instructed to forward a certified copy of these resolutions to each of our Senators and Representatives in Congress, and also a copy to the Attorney General of the United States.

---

I certify that the foregoing resolution originated in the House February 21, and was adopted by that body March 1, 1879.

WIRT W. WALTON, *Chief Clerk*.

Concurred in by the Senate, March 4, 1879.

HENRY BRANDLEY, *Secretary*.

---

#### ANNEXATION OF KANSAS CITY, MO.

(House Concurrent Resolution No. 45: By Mr. Greever.)

*Resolved by the House, the Senate concurring therein*, That a special joint committee of five (three on the part of the House, and two on the part of the Senate) be appointed by the presiding officers of said bodies, for the purpose of conferring with a committee of the Common Council of the city of Kansas City, Missouri, on the subject of annexation of that city to the State of Kansas; and that said joint committee shall have power to sit at any time, and report to the next session of the Legislature of the State of Kansas, without compensation.

---

I certify that the above concurrent resolution originated in the House of Representatives March 8, and was adopted by that body March 8, 1879. WIRT W. WALTON, *Chief Clerk*.

Concurred in by the Senate, March 11, 1879.

HENRY BRANDLEY, *Secretary*.

# GENERAL INDEX.

## PERSONAL INDEX.

	PAGES
Albin.....	120, 128, 131, 219, 220, 445, 498, 503, 510, 827, 891
Alexander.....	104, 110, 118, 160, 203, 217, 390, 412, 420, 421, 467, 493, 495, 530, 601 867, 868, 951, 999, 1273, 1281, 1370
Anderson, of Cherokee.....	29, 30, 40, 61, 129, 153, 296, 389, 431, 434, 439, 451, 471 503, 514, 547, 569, 786, 789, 830, 872, 881, 883, 895, 896, 927, 1092 1243, 1244, 1269, 1294, 1301, 1315, 1325, 1327, 1343
Anderson, of Ellsworth.....	36, 566, 1122, 1294
Anderson, of Shawnee .....	145, 294, 369, 390, 432, 437, 439, 451, 575, 803, 897, 988 989, 998, 1263, 1350
Armstrong.....	51, 106, 117, 127, 129, 152, 205, 294, 439, 445, 449, 470, 549, 556, 582 588, 656, 782, 1238, 1261
Baker .....	129, 433, 1009
Ballard.....	10, 37, 103, 115, 161, 204, 231, 294, 411, 498, 935, 971, 1278, 1281
Barker .....	20, 31, 219, 470, 653, 783
Barrackman .....	170, 388
Beaty.....	34, 372, 390, 467, 542
Berry.....	170
Bevins .....	110, 112, 373, 374, 467, 508, 834
Biddle .....	25, 26, 27, 33, 42, 61, 62, 85, 104, 105, 106, 109, 111, 114, 115, 117, 120 127, 130, 131, 137, 138, 142, 151, 154, 157, 160, 175, 186, 196, 201 204, 216, 229, 295, 305, 306, 364, 365, 368, 384, 388, 396, 401, 412 419, 422, 423, 433, 434, 440, 445, 450, 452, 453, 462, 465, 467, 470 528, 529, 542, 552, 569, 576, 578, 585, 588, 591, 646, 651, 725, 740 806, 827, 839, 864, 872, 881, 888, 891, 918, 919, 930, 949, 953, 967 968, 1000, 1232, 1238, 1241, 1249, 1257, 1258, 1260, 1264, 1268, 1275 1277, 1280, 1281, 1303, 1311, 1334, 1342, 1344, 1351
Bishop .....	25, 205
Bissell.....	11, 205, 548, 829, 998, 1291, 1335, 1344
Blackman .....	9, 42, 131, 149, 152, 160, 203, 221, 226, 303, 382, 395, 409, 428, 473 480, 485, 507, 594, 652, 868
Blanchard .....	161, 220, 221, 545, 617, 627, 741, 743, 844, 880
Boggs .....	219, 423, 453, 998
Bower .....	109, 130, 170, 387, 439, 503
Breyfogle .....	204, 221, 396, 403, 479, 480, 841, 862, 865
Briggs .....	585, 794, 999
Brinkman .....	29, 48, 110, 136, 144, 146, 160, 422, 438, 514, 550, 876
Bronson .....	403, 432, 465, 466, 513, 549, 601, 847, 917
Brown .....	514, 585
Bruner.....	42, 143, 161, 371, 384, 431, 440, 453, 616, 895, 1009, 1306



Bull.....	25, 26, 27, 85, 104, 110, 117, 142, 165, 217, 383, 410, 462, 472, 492, 495, 527	560, 577, 871, 988, 1264
Butts .....	145, 167, 171, 214, 220, 227, 277, 383, 422, 441, 463, 513, 516, 532, 616, 625	630, 654, 1266
Callen .....	55, 107, 175, 203, 215, 294, 389, 390, 422, 432, 433, 438, 450, 532, 574, 602	654, 736, 737, 840, 872, 917, 720, 951, 999, 1103, 1109, 1291, 1311, 1343, 1348
Calvin.....	40, 105, 221, 227, 297, 365, 371, 373, 379, 441, 533, 548, 742, 967	
Clapp.....	110, 226, 227, 229, 297, 312, 380, 498, 556, 725, 783, 790, 824, 826, 968, 1233	1234, 1268, 1284, 1325
Clark, of Montgomery.....	37, 42, 366, 479, 612, 651, 725, 727, 792, 826, 834	
Clogston .....	220, 366, 372, 465, 593, 784, 871, 917	
Congdon.....	209, 296, 298, 383, 412, 420, 585, 882, 883, 924, 1235, 1260	
Cool.....	129, 371, 513, 549, 592, 601, 781, 835	
Corbin.....	170, 549, 657	
Cunningham.....	112, 150, 168, 296, 549	
Danhaur.....	389, 472, 479, 480, 1008	
Donahue.....	87, 104, 110, 141, 144, 205, 421, 433, 447, 465, 512, 726, 998	
Eastland.....	130, 205, 217, 403, 419, 467, 477, 549, 569, 656, 851, 1309	
Eckles.....	37, 55, 88, 155, 295, 297, 374, 422, 438, 465, 466, 467, 513, 616, 731, 841	1054, 1085
Eggers.....	41, 150, 225, 401, 411, 501, 887, 988, 998, 1054, 1261, 1331	
Ellison .....	656	
Ewing.....	135, 161, 372, 390, 591	
Farris.....	793, 1261	
Faulkner.....	36, 154, 161, 166, 219, 224, 305, 394, 396, 422, 444, 471, 503, 518, 528	559, 562, 572, 623, 651, 734, 783, 786, 841, 876, 890, 998, 1266
		1269, 1273, 1301, 1303
Fisler.....	136, 144, 162, 370, 422, 438, 465	
Gable (F. M.).....	183, 184, 220, 304, 373, 380, 428, 444, 505, 518, 529, 530, 539, 547	599, 625, 896, 988, 993, 999
Gable (Thos. P.).....	149, 373, 467	
Games.....	48, 372, 423, 1092	
Gillespie .....	388, 389	
Gillmore.....	9, 117, 136, 141, 150, 166, 217, 224, 232, 303, 383, 408, 429, 441, 458	485, 530, 560, 656, 733, 739, 786, 836, 950, 1024, 1251, 1265, 1273
		1310, 1342, 1369
Godfrey.....	373, 601, 616, 617, 722	
Greever.....	62, 106, 136, 169, 222, 433, 585, 780, 1272, 1344, 1369	
Greiffenstein.....	372, 486, 585, 786	
Hall.....	109, 112, 130, 203, 294, 373, 390, 433, 440, 446, 742, 780, 844, 865, 958	1103, 1105, 1232
Hamilton, of Marshall.....	29, 131, 174, 203, 404, 412, 436, 486, 492, 990, 1018, 1092	1099, 1243, 1252, 1261, 1274, 1335
Hamilton, of Norton.....	42, 222, 225, 305, 372, 423, 894	
Hartshorne.....	220, 294, 465, 467, 498, 514, 616, 617, 721, 780, 786, 841, 1103, 1109	1306, 1370
Hankins.....	220, 372	
Helmick.....	219, 220, 465, 548, 832, 868, 998	
Henderson.....	170, 373, 640	
Hewins.....	55, 110, 130, 294, 429, 542, 585, 782, 1085	
Hodge.....	8, 27, 34, 110, 120, 128, 129, 140, 155, 161, 203, 296, 297, 374, 382, 388	408, 449, 526, 529, 542, 545, 548, 552, 563, 569, 574, 736, 867, 872
		881, 933, 935, 999, 1009, 1057, 1240, 1244, 1269, 1349, 1352
Hossack.....	179, 1231, 1233, 1256, 1258, 1259	
Huffaker.....	221, 297, 597, 917	
Humes.....	29, 44, 51, 61, 84, 109, 112, 128, 151, 155, 164, 200, 294, 373, 396, 420	609, 610, 614, 638, 646, 734, 741, 785, 786, 790, 831, 844, 918, 971
James, of Shawnee.....	55, 60, 111, 388, 389, 423, 432, 548, 569, 617, 999, 1281, 1306	

- James, of Wyandotte.....10, 62, 88, 104, 108, 109, 112, 117, 120, 129, 137, 141, 142  
 151, 171, 186, 411, 431, 453, 454, 465, 470, 492, 550, 528, 588, 589  
 722, 795, 827, 857, 884, 921, 1082, 1091, 1098, 1099, 1236, 1241, 1251  
 1262, 1321, 1342, 1345, 1355, 1362
- Keller.....48, 131, 162, 203, 294, 378, 390, 403, 1103, 1109
- Kelley.....171, 297, 371, 967, 998
- Kennedy.....128, 150, 167, 205, 385, 444, 473, 562, 646, 655, 728, 735, 790, 971  
 989, 1237, 1291, 1304
- Kollock.....55, 205, 296, 298, 390, 465, 479, 530, 550, 733
- Lawson.....128, 129, 158, 179, 368, 371, 389, 403, 453, 467, 496, 549, 844
- Legate.....10, 25, 28, 51, 83, 85, 103, 105, 106, 110, 111, 112, 119, 123, 127, 131  
 137, 138, 139, 141, 144, 151, 153, 155, 167, 168, 169, 178, 185, 188  
 190, 191, 192, 195, 197, 204, 217, 222, 232, 295, 297, 366, 373, 388  
 396, 398, 399, 400, 402, 403, 419, 422, 435, 445, 449, 453, 460, 463  
 465, 470, 476, 477, 479, 493, 523, 525, 543, 550, 562, 564, 567, 571  
 574, 579, 580, 583, 587, 602, 608, 610, 614, 621, 622, 626, 629, 640  
 646, 651, 728, 730, 732, 734, 743, 795, 823, 838, 841, 844, 851, 852  
 867, 870, 872, 873, 876, 888, 924, 927, 930, 935, 960, 968, 1010, 1013  
 1014, 1018, 1020, 1043, 1090, 1232, 1233, 1237, 1244, 1246, 1250, 1259  
 1260, 1261, 1268, 1269, 1292, 1303, 1308
- Leonard.....220, 303, 366, 465, 616, 654, 922, 1038
- Loy.....48, 129, 204, 219, 226, 382, 389, 398, 410, 430, 440, 485, 517, 541, 560, 597  
 652, 835, 868
- Majors.....388, 1259
- Manning.....25, 82, 83, 84, 88, 103, 116, 138, 140, 150, 219, 371, 381, 395, 408  
 432, 433, 438, 441, 449, 453, 476, 486, 487, 492, 493, 497, 500, 502  
 518, 543, 548, 551, 572, 586, 589, 608, 616, 653, 743, 783, 795, 803  
 829, 838, 841, 845, 875, 881, 889, 896, 921, 923, 933, 936, 970, 1012  
 1024, 1240, 1258, 1269, 1272, 1281, 1282, 1301, 1308, 1320, 1331, 1341  
 1352
- Martin, of Kingman.....85, 106, 130, 145, 149, 161, 219, 221, 472, 548, 837
- Martin, of Labette.....435, 723, 832
- McClintick.....222, 366, 465, 480, 499, 602, 805, 876
- McKay.....179, 479, 1268
- McMillen.....179, 296, 371, 374, 513, 549, 569, 602
- Miller.....25, 130, 183, 205, 221, 226, 300, 367, 405, 471, 481, 517, 523, 545, 549  
 560, 594, 661, 742, 1054
- Moore.....145, 155, 421, 422, 1344
- Morgan.....109, 111, 128, 180, 453, 549, 599, 733, 744, 844, 935, 1009, 1238, 1304  
 1310, 1311
- Myers.....129, 388, 479
- Parsons.....40, 85, 111, 129, 140, 220, 373, 378, 451, 617, 733, 875, 1058, 1306, 1308
- Price (Speaker *pro tem*).....25, 26, 27, 37, 82, 112, 130, 145, 159, 294, 513, 523, 548  
 550, 585, 722, 844, 1093, 1350
- Prunty.....130, 145, 162, 439, 479, 1309, 1331
- Randolph.....61, 84, 294, 398, 423, 439, 450, 461, 486, 498, 569, 585, 603, 604, 605  
 608, 805, 1085, 1103, 1105, 1206
- Rath.....591
- Raybell.....301, 372, 514, 1294
- Rice.....111, 117, 219, 403, 421, 432, 513, 991, 1092
- Richards.....136, 145, 220, 295, 470, 487, 657, 744, 999
- Riggs.....8, 27, 32, 41, 129, 139, 140, 158, 159, 161, 163, 165, 182, 203, 204, 219  
 220, 223, 296, 298, 364, 367, 372, 378, 388, 393, 402, 406, 419, 425  
 441, 484, 514, 533, 543, 545, 556, 565, 569, 573, 576, 584, 586, 588  
 600, 606, 607, 652, 732, 733, 789, 842, 874, 877, 923, 938, 1232, 1233  
 1252, 1270, 1294, 1306, 1309, 1331, 1334, 1335, 1343, 1369, 1370

Robb.....	48, 110, 141, 146, 161, 170, 203, 293, 369, 371, 372, 425, 477, 496, 509, 532	
	544, 556, 564, 573, 575, 725, 846, 847, 887, 1282	
Rood.....		445
Sallee.....	130, 151, 204, 221, 365, 371, 373, 445, 450, 470, 550, 588, 622, 723, 889	
	968, 999, 1091, 1099, 1269, 1293, 1303	
Scott.....		112
Seaton.....	62, 159, 228, 445, 467, 654, 835, 868, 1310	
Selover.....		383
Shaw.....		389, 497, 585
Smith, of Bourbon.....		124, 1260
Smith, of Marshall.....	8, 34, 56, 61, 62, 81, 84, 86, 104, 105, 106, 107, 127, 135, 136	
	139, 141, 150, 171, 190, 192, 219, 221, 364, 368, 384, 446, 459, 461	
	476, 500, 502, 530, 543, 547, 553, 569, 610, 644, 736, 780, 786, 796	
	858, 882, 883, 884, 893, 952, 999, 1018, 1294, 1298, 1341	
Spilman.....	85, 111, 114, 145, 403, 480, 616, 617	
Stewart.....	5, 110, 124, 161, 421, 788, 797	
Stitt.....		220, 465
Stumbaugh.....	8, 396, 434, 435, 475, 495, 503, 510, 532, 566, 614, 616, 617, 727, 730	
	731, 733, 830, 874, 919, 953, 968, 1231, 1256, 1264, 1277	
Taylor.....	26, 40, 109, 171, 203, 381, 394, 473, 478, 507, 512, 517, 541, 548, 549, 595	
	623, 744, 782, 794, 836, 863, 885, 928, 983, 1007, 1025	
Towle.....		170, 547
Tucker.....	28, 85, 114, 161, 221, 368, 439, 883, 1234	
Wait, of Lincoln.....	110, 129, 179, 204, 294, 298, 366, 403, 486, 497, 722, 827	
Wait, of Linn.....	373, 453, 470, 617, 1260, 1309	
Waite, of Pawnee.....	25, 130, 278, 300, 366, 388, 398, 423, 450, 464, 470, 497, 500	
	504, 508, 563, 565, 586, 601, 610, 617, 730, 784, 917, 967, 1251, 1252	
	1261, 1274, 1304, 1331, 1336	
Walker.....	145, 151, 372, 374, 421, 423, 467, 548	
Watson.....	171, 180, 221, 229, 547	
White.....	107, 298, 365, 381, 395, 408, 466, 507, 514, 526, 547, 596, 881, 968, 1014	
	1238, 1294, 1327, 1345	
Wiley.....		161, 542
Wilson, of Jackson.....	51, 145, 423, 432, 439, 440, 530	
Wilson, of Nemaha.....		389, 601
Woodard.....		295
Wright.....	111, 128, 179, 389, 403, 439, 540, 743	
Speaker Clarke.....	25, 44, 125, 128, 205, 231, 294, 412, 461, 471, 562, 591, 607, 806	
	832, 838, 1000, 1230, 1350	

## CLERKS AND SUBORDINATE OFFICERS.

Chief Clerk, Wirt W. Walton.....	28, 44, 512, 1335, 1345, 1351
Journal Clerk, J. C. Hebbard.....	33, 59
Docket Clerk, C. E. Westling.....	36
Minute Clerk, D. B. Emmert.....	28, 86
Engrossing Clerk, Miss M. Cheeny.....	34
Enrolling Clerk, Miss Emma Ferguson.....	35
Assistant Chief Clerk, Ed. W. Waynant.....	29
Assistant Journal Clerk, Mrs. R. N. Hebbard.....	832
Assistant Docket Clerk, G. C. West.....	144
Assistant Engrossing Clerks: Miss Lou. Arbuthnot.....	219
Miss A. G. Brown.....	160
Miss Mamie E. Brier.....	294
Mrs. M. C. McLaughlin.....	178
Miss Ella Johnson.....	477
Miss Lillie D. Lancaster.....	508
Miss Maggie Cheeney.....	612
Miss Jennie Shoemaker.....	834
Miss A. M. Twyman.....	934

Assistant Enrolling Clerks: Miss Lola Bell.....	160
Miss Kate Boreland.....	174
Miss Clara L. Byrner.....	397
Mr. Lee H. Crockett.....	495
Miss J. Addie Lescher.....	496
Miss Fannie Ferguson.....	613
Mrs. Mary E. Neff.....	613
Mrs. R. N. Hebbard (to assist Journal Clerk).....	832
Miss Hattie Johnston.....	833
Miss Jennie Wallace.....	833
Miss Maggie A. Hughes.....	892
Miss Mary E. Devendorf.....	933
Mrs. B. Mackhale.....	1037
Miss Lizzie Holden.....	1038
Miss Nina Peacock.....	1305
Mr. D. Whittaker.....	1305
Miss Minnie Swallow.....	1305
Miss Austa E. Wintrode.....	1314
Miss Grace M. Buckland.....	1334
Sergeant-at-Arms, Wm. Higgins.....	40, 44, 1105
Doorkeeper, R. E. Jenness.....	48
Postmaster, David Lucas.....	55
Chaplain: Hon. J. G. Eckles.....	40
Rev. T. W. Henderson.....	295
Assistant Sergeant-at-Arms, J. V. Pratt.....	41
Special Assistant Sergeant-at-Arms: R. E. Stevenson.....	215, 460
T. J. Stumbaugh.....	477
First Assistant Doorkeeper, W. L. Eagleson.....	51
Second Assistant Doorkeeper, John J. Donahue.....	53
Temporary Assistant Doorkeeper, F. M. Higgason.....	215
Assistant Postmaster, J. F. Burris.....	160
Clerks to Committees: Judiciary, Albert Knittle.....	140
Ways and Means, Geo. M. Huffaker.....	154
Elections, Ed. Hoveson.....	174
Insurance, W. J. Lea.....	387
Public Lands, Geo. E. Faler.....	387
Agriculture, W. W. Cone.....	402
Temperance, J. H. Hibbetts.....	437
County Lines and County Seats, W. A. Madison.....	461
State Affairs, T. H. Bonsall.....	561
Senatorial Investigation: Frank S. Presbrey.....	571, 1105
E. R. McBride.....	571, 1105

## INTRODUCTION OF BILLS.

Pages.....	107, 109, 129, 145, 161, 179, 204, 220, 232, 297, 367, 369, 378, 388, 403
	423, 439, 449, 453, 461, 463, 466, 477, 479, 497, 508, 513, 529, 542
	545, 547, 591, 602, 617, 622, 628, 646, 650, 732, 742, 743, 785, 827
	837, 839, 1009, 1055, 1316



## SECOND READING OF BILLS.

---

Pages.....	131, 146, 162, 180, 206, 222, 232, 298, 267, 374, 378, 390, 404, 423, 440
	447, 449, 453, 461, 463, 468, 480, 498, 508, 529, 542, 545, 553, 591
	618, 628, 646, 650, 733, 742, 743, 785, 827, 837, 839, 1009, 1055
	1316

---

## THIRD READING OF BILLS.

---

Pages.....	135, 305, 384, 454, 487, 723, 732, 747, 785, 845, 848, 854, 873, 889, 898
	925, 953, 964, 969, 971, 986, 992, 993, 1006, 1010, 1045, 1058, 1093
	1102, 1234, 1266, 1274, 1278, 1310, 1312, 1327, 1338

---

## MESSAGES FROM THE SENATE.

---

Pages.....	56, 60, 112, 120, 155, 119, 178, 201, 207, 230, 368, 397, 411, 434, 446, 475
	476, 529, 546, 564, 575, 602, 610, 639, 717, 730, 731, 803, 825, 828
	829, 837, 852, 853, 858, 860, 870, 892, 920, 926, 930, 935, 950, 963
	985, 992, 1010, 1015, 1025, 1029, 1036, 1058, 1085, 1091, 1209, 1241
	1246, 1252, 1254, 1261, 1266, 1271, 1273, 1276, 1280, 1282, 1295
	1297, 1299, 1301, 1303, 1306, 1308, 1316, 1330, 1332, 1336, 1341
	1348, 1352, 1369

---

## MESSAGES FROM THE GOVERNOR.

---

Annual message.....	64-81
Special message relating to contingent fund.....	149
Special message submitting report of State Fish Commissioner.....	172
Special message submitting report of State Historical Society.....	233
Special message submitting report of retiring Governor, Hon. Geo. T. Anthony.....	306
Special message submitting partial report of the Committee on the Revision of the Statutes .....	412
Special message submitting report of State Horticultural Society.....	430
Special communication thanking the House of Representatives for its courtesy, etc.....	1370
Approving House bills.....	430, 717, 843, 871, 1085, 1089, 1243, 1324, 1325, 1331, 1332
	1348, 1352, 1355, 1358, 1369

## REPORTS OF STANDING COMMITTEES.

Agriculture.....	382, 410, 430, 440, 485, 517, 541, 560, 596, 652,	835
Apportionment.....	300, 486, 503, 532,	827
Assessment and Taxation.....	150, 166, 303, 383, 408, 429, 441, 485, 739,	836
	1251,	1342
Banks and Banking.....		382
Charitable Institutions.....		595
Claims.....	425, 532, 544, 556, 564, 573,	887
Corporations, Municipal.....	183, 300, 405, 471, 481, 517, 532, 545, 560, 594,	651
	742,	743
Corporations, Private.....	475,	733
County Seats and County Lines.....	167, 383, 441, 463, 516, 531,	625
Education .....	303, 382, 393, 409, 428, 472, 485, 535, 594,	652
Educational Institutions.....		847
Elections.....	167, 443, 473, 655,	727
Engrossed Bills.....	381, 394, 474, 482, 507, 517, 541, 595, 623, 655, 744, 782,	794
	836, 863, 885, 928, 983, 1007, 1025, 1355	
Enrolled Bills.....	171, 411, 506, 722, 795, 827, 857, 921, 960, 1086, 1098, 1262, 1321	
	1328, 1345, 1362-1368	
Finance.....	167,	486
Fees and Salaries.....	165, 383, 410, 444, 463, 472, 560, 871,	988
Federal Relations.....	622, 870,	876
Indebtedness, Municipal.....	381, 395, 409, 441, 486, 519, 548, 572, 653, 839, 875,	921
Insurance.....	381, 394, 409, 507,	596
Internal Improvements.....		503
Inter-State Commerce .....		540
Judiciary.....	163, 182, 298, 379, 393, 407, 425, 442, 484, 515, 533, 556, 573,	601
	652, 734, 842, 877,	923
Jurisprudence, Criminal.....	593, 784,	871
Manufactures .....	445, 654,	835
Mines and Mining.....		654
Mileage.....		301
Militia.....	429,	782
Penitentiary.....		411
Public Lands.....	379, 783, 1284,	1344
Printing.....		599
Railroads.....	411, 501, 887,	988
Retrenchment and Reform.....		383
Roads and Highways .....	183, 304, 380, 428, 443, 505, 519, 538, 599, 621, 653, 783,	988
State Affairs .....	303, 654,	922
State Library.....		472
Temperance.....	441, 533,	742
Ways and Means.....	166, 394, 444, 471, 503, 518, 528, 559, 572, 623, 651, 733,	783
	841,	876

## HOUSE BILLS.

	PAGES
No. 1, Changing boundaries of Davis and Dickinson counties.....	107, 131, 227, 531
	532, 602, 611, 736, 782, 852, 867
2, Conferring the rights of majority.....	107, 132, 163, 216, 381, 454, 861
3, Defining the boundaries of counties.....	109, 131, 227, 303, 625
4, Fixing the time for the holding of court in Clay county.....	109, 132, 182, 462
	482, 489, 837, 921, 1325
5, Conferring the rights of majority.....	109, 133, 534
6, Providing for the redemption of real estate sold for taxes.....	109, 132, 561
	740, 944
7, Conferring the rights of majority.....	109, 133, 534
8, In relation to domestic animals.....	109, 226
9, Repealing law regulating salary of County Attorney of Rooks county.....	109
	132, 163, 261, 381, 392, 837, 857, 871
10, In relation to Agricultural College lands.....	109, 132, 864, 887, 957, 1303
11, Changing the name of Henry Freundlich.....	110, 132, 551, 739, 853, 1309
12, Changing the name of Daisey Lloyd.....	110, 132, 462, 483, 491, 861
13, Regulating the practice of medicine in the State.....	110, 132, 303, 533, 652, 737
14, In relation to a toll bridge in Lincoln county.....	110, 134, 462, 482, 490, 837
	857, 872
15, Regulating salaries of certain officers in Osborne county.....	110, 135, 165
	216, 462, 566, 589, 611, 644, 737, 794, 801, 930, 1089, 1243
16, Empower county commissioners with authority to levy special tax.....	110
	133, 590, 804
17, Amending certain statutes.....	110, 134, 166, 195, 508, 635, 861, 922, 1325
18, County commissioner districts, etc.....	110, 134
19, Amending certain statutes.....	110, 165, 462, 484, 523, 837, 922, 1325
20, Relating to sale of State University lands.....	110, 134, 567, 568, 596, 747
	834, 852, 882, 1321, 1333
21, Appropriating certain moneys to officers of United States land offices.....	110
	134, 166, 167, 179, 506, 717
22, Conferring rights of majority.....	110, 132, 534
23, Defining the boundaries of Barton and Pratt counties.....	110, 131, 167, 462
	567, 588, 601, 646, 651
24, Making appropriation to State Penitentiary.....	110, 134, 303, 928, 944, 984
	993, 1239, 1256, 1346, 1356
25, Regulating the practice of medicine and surgery.....	111, 132, 116
26, Regulating sale of property without appraisement.....	111, 132, 182, 567, 595
	642, 724, 725, 740
27, Relating to assessment and collection of taxes.....	111, 133
28, Procedure before justices of the peace in civil cases.....	111, 132
29, Taxation in Leavenworth county.....	111, 133, 183, 744, 764, 964, 1324
30, Procedure before justices of the peace in civil cases.....	111, 146
31, Changing interest from 50 to 25 per cent. on delinquent taxes.....	111, 133, 224
	590, 624, 787, 1298
32, Fixing salaries of county clerks.....	111, 134, 165, 369, 494, 500, 505, 541
	639, 985
33, Fixing salaries of county treasurers.....	111, 134, 165, 505, 541, 723, 985
34, Changing name of Phillip Wenzell.....	111, 132, 557
35, Making appropriation for Insane Asylum at Osawatomie.....	111, 134, 444, 890
	925, 1241, 1322, 1332
36, Conferring rights of majority.....	111, 132, 534
37, Legalizing acts of Geo. S. Green.....	111, 484, 645, 745, 850, 1086, 1300, 1354

No. 38, Allowing corporations to adjust and compromise indebtedness.....	111, 112, 135 182, 449, 550, 564, 588, 863, 883, 889, 993, 1324
39, Conferring rights of majority.....	112, 132, 164, 216
40, Changing name of A. C. Stretch.....	112, 133, 557
41, Vacating streets and alleys in Baldwin City.....	112, 135, 183, 296, 368, 428 644, 744, 756, 986
42, In relation to assessment and collection of taxes.....	112, 133, 225
43, Concerning private corporations.....	112, 132, 135
44, Amending certain statutes.....	112, 133, 384
45, Legislative appropriations.....	112, 135, 169, 171
46, To define the western boundary of Leavenworth city.....	112, 134, 227, 516
47, In relation to certain funds in the treasury of Atchison city.....	112, 133 164, 216, 394, 457, 852, 960, 1243
48, Authorizing Board of Commissioners of Atchison county to improve cer- tain roads.....	112, 135, 600
49, In relation to mills and millers.....	112, 135, 445
50, Prescribing penalty for persons three times convicted of a felony.....	129, 147 167, 595, 641, 733, 1058
51, Regulating wages of certain employes.....	129, 146, 299
52, In relation to driving stock across cultivated fields or hedge-rows.....	129, 147 226, 590, 611, 655, 791, 985
53, In relation to juries in justices' courts.....	129, 146, 298
54, In relation to foreign insurance companies doing business in Kansas.....	129 146, 381, 830, 863, 902
55, Regulating insurance, etc.....	129, 146, 395, 865, 886, 909
56, Railroads—duties as common carriers.....	129, 148, 225, 590, 611, 804, 864, 894 936, 938
57, To provide for the assessment and collection of taxes.....	129, 148, 384, 830, 903
58, Conferring rights of majority on Geo. Springer.....	129, 146, 534
59, Conferring rights of majority on Elisha J. Holderness.....	129, 146, 536
60, Regulating the practice of medicine in this State.....	129, 146, 164, 216, 296, 369 476, 507, 526, 538, 552, 795, 884
61, For the relief of defaulting purchasers of school land.....	129, 417, 226, 611, 804 836, 899
62, Relating to mills and millers.....	129, 147, 517, 835
63, In relation to the support of common schools.....	130, 148, 380, 495
64, Collection of delinquent taxes.....	130, 148, 739, 944
65, Enabling municipal corporations to extend aid to narrow-gauge railroads....	130 148, 303, 591, 625, 789
66, To amend code of civil procedure.....	130, 146, 165, 216, 381, 455, 986
67, To amend code of civil procedure.....	130, 146, 165
68, Authorizing the building of a dam across the Marais des Cygnes river.....	130 148, 183, 463, 483, 557, 740
69, Garnishees in courts of justices of the peace .....	130, 146, 182, 206, 567, 596 725, 1088, 1276, 1353
70, Kingman county, describing boundary.....	130, 148, 227, 441, 646, 745, 760 1086, 1253, 1332, 1349
71, Concerning descents and distributions.....	130, 146, 183, 494, 630, 652, 986
72, In relation to charters of Territorial railroads .....	130, 147, 379, 384, 411, 430
73, Remove political disabilities from certain persons.....	130, 147, 534
74, In relation to private roads.....	130, 148, 184, 304
75, To vacate part of town site of Pleasanton, Kansas.....	130, 147, 407, 542, 640 985
76, To repeal laws in relation to transfer of real estate in the name of the owner.....	131, 147, 557
77, Union military bonds—"Price raid claims".....	131, 149, 532, 545, 795, 838 955, 1252, 1261, 1274, 1275, 1277, 1280, 1281, 1320, 1333
78, Changing name of A. J. Vanvalkenburg.....	131, 147, 557



No. 79, To repeal certain laws.....	131, 147, 299,	518
80, To provide for the payment of debts of any divided township.....	131, 148 183, 206, 567,	589
81, Legalizing the official acts of certain township officers of Butler county...	131 147, 299	
82, Regulating the official acts of J. T. Masterson, of Butler county.....	131, 147	
83, To remove political disabilities of Taylor Brown.....	131, 165, 216, 394,	456
84, Defining boundaries of Lane county.....	829, 897, 1090,	1243
85, Authorizing bounty on wolf, coyote, wild-cat and fox scalps .....	131, 148, 227,	516
86, Regulating the sale of intoxicating liquors...145, 162, 227, 442, 895, 928,		976
87, In relation to a State road through Reno, Kingman and Barbour counties, 145	162, 304, 590, 623, 748,	985
88, Authorize County Commissioners of Jefferson county to build a bridge.....	145 162, 304, 590, 624, 748, 1097, 1255, 1333,	1348
89, Conferring rights of majority on Wm. H. Hutchinson.....	145, 162,	535
90, To encourage agriculture.....	145, 162, 299,	517
91, West wing State House, appropriation to build.....	145, 163, 224,	559
92, Conferring rights of majority on Theodore Juelke, a minor.....	145, 162,	535
93, Regulating jurisdiction of justices of the peace in cases of misdemeanor...	163, 871,	945
94, To regulate elections .....	145, 162,	299
95, Legalizing levy of taxes in Great Bend in the year 1878.....	145, 162, 223,	589
96, Conferring rights of majority on Henry Bell.....	145, 163,	535
97, Regulating interest on money. ....	161, 558,	941
98, In relation to support of common schools .....	161, 303,	473
99, Regulating interest on money .....	161,	383
100, To create Sixteenth Judicial District.....	161, 300, 503, 574, 727, 745,	784
101, Terms of court in Ninth Judicial District.....	917, 1295, 1314, 1334, 1335, 1343,	1344
102, Changing line of Fort Scott and Ottawa State road.....	161, 184, 463,	483
103, In relation to township officers.....	488, 837, 922,	1325
104, Enabling Johnson county to take up its bonds issued to a certain railroad,	161 441, 494, 507, 634, 920,	1331
105, To authorize cities of the second class to surrender their charters and or- ganize towns.....	161, 300, 481,	939
106, For the relief of Hubert Nadeau.....	161, 223, 463, 480, 524,	985
107, Providing for the organization of cities of the third class.....	162, 226,	567
108, In relation to bounty on scalps of certain wild animals.....	589, 611, 804, 162, 384, 864,	886
109, In relation to public highways.....	907, 1303, 162, 304, 590, 624,	788
110, To restrain dramshops and taverns.....	180,	227
111, To vacate part of town site of Wakefield, Clay county, Kansas.....	180, 645, 745, 799,	986
112, In relation to support of common schools.....	181, 226, 589, 624, 785,	1276
113, In relation to support of common schools.....	1346, 1359, 181, 303, 382, 830, 863, 957,	1302
114, To vacate a certain State road.....	181, 380, 644, 751,	985
115, To enable certain persons to exercise the rights of majority.....	180,	535
116, To provide for the redemption of real estate sold under execution.....	180, 393, 435, 723, 804, 836,	918
117, To authorize the employment of convict labor in the State Penitentiary,	181 405, 573, 927, 942, 983, 992, 1241, 1251, 1329,	1333
118, Conferring rights of majority on Geo. A. Rodgers.....	180, 533, 738, 928,	1302
119, In relation to township officers and elections for the same.....	181,	379

No. 120, To enfranchise J. C. Byrd and W. C. Adams.....	180, 533, 738, 859, 1276 1357, 1359
121, Providing for the organization of cities of the third class.....	181, 300, 593
122, To amend certain laws .....	180
123, For the relief of Daniel B. Claiborne.....	181, 528
124, For the relief of G. H. McConnell.....	180, 299, 590, 645, 751, 1255, 1330 1333, 1349
125, Enrolling persons of school age in Harper county.....	181, 303, 428, 645, 745 757, 1255, 1330, 1354
126, Costs in actions of libel and slander.....	181, 379, 523, 843
127, To provide for change of boundary lines in organized counties.....	181, 227, 516
128, To vacate village square in village of New Lancaster.....	181, 380, 644, 746 754, 985
129, To establish a State road.....	181, 380
130, To amend certain statutes.....	180, 379, 540, 941, 1002, 1050, 1301, 1355, 1357
131, To amend certain statutes.....	180, 393
132, To legalize acts of officers of Elk township, Cloud county....	179, 206, 471, 746 761, 1255, 1357, 1361
133, To remove political disabilities from certain persons.....	179, 206
134, To change the name of Frank Woodworth.....	179, 206, 558
135, Normal School at Emporia—to provide for its rebuilding....	180, 206, 623, 927 943
136, To authorize Toledo township, Chase county, to pay interest on its bonds,	180, 206, 463, 483, 525, 860, 921, 1325
137, To authorize Reading Iron Works to hold and convey certain lands...	204, 222 393, 495, 580, 631, 962, 1326
138, To authorize county of Douglas to re-fund its railroad bonded indebted-	ness.....204, 409, 423, 494, 508, 550, 551, 576, 602, 796
139, State University—appropriations for its completion, etc.....	204, 519, 891 928, 940, 984, 986, 1091, 1245, 1252, 1346, 1359
140, In relation to the assessment and collection of taxes.....	204, 429, 895, 929, 974
141, Providing for the payment of the State Agent who prosecuted claims	against the General Government.....141, 204, 876
142, Regulating weights and measures.....	204, 382, 830, 864, 885, 906, 1355, 1358
143, Regulating salaries of county treasurers.....	204, 382, 830
144, To authorize the Governor to appoint commissioners to locate a State Re-	form School.....240, 518, 891, 929, 966, 1239, 1247, 1355, 1358
145, In relation to officers of Leavenworth.....	205, 222, 408
146, Relating to offenses against property.....	205, 222, 593
147, To provide for a hospital building for the Blind Asylum.....	205, 293, 528 891, 965, 1248, 1320, 1332
148, To establish a code of civil procedure.....	205, 222, 864, 886, 959
149, To regulate the registration of voters in cities of the first class.....	205, 222 407, 444, 646, 794, 848, 1296, 1330, 1353
150, Defining boundary lines of counties.....	205
151, Conferring the rights of majority.....	205, 222, 536
152, Providing for the assessment and collection of taxes....	205, 408, 494, 637, 803 828, 872
153, Authorizing Phillips county to re-fund its indebtedness.....	205, 382, 645, 745 799, 1098, 1276, 1353
154, In relation to the payment of taxes.....	205, 430
155, To incorporate cities of the second class.....	205, 300, 804, 837, 953
156, John Brown and James H. Lane—to provide for their statues in National	House of Representatives.....205, 394
157, Relating to State and county roads.....	206, 380, 804, 836, 901, 1296, 1357, 1361
158, Concerning location and removal of county seats.....	220, 304, 383, 830, 863 954, 1266, 1323
159, Building and repairing bridges in Leavenworth county.....	220, 590, 624, 845 861, 874, 1296, 1347, 1360

No. 160, Conferring rights of majority.....	220, 222,	536
161, Legalizing the official acts of D. J. Reber.....	220, 223, 484, 645, 745, 850,	1086 1300, 1354
162, Relating to stock, or domestic animals.....		220
163, Regulating the running at large of animals.....	220, 864, 895, 936, 939,	1006 1025, 1087, 1296, 1353
164, Making the officers of banking institutions responsible for all deposits.....		221 382, 804, 836, 900, 1301, 1354, 1356
165, Providing for the punishment of bank officers for the reception of deposits in certain cases.....	221, 223, 407, 837, 865, 885, 910, 938, 1301, 1355,	1358
166, Relating to taxation in Leavenworth.....	221, 408, 486, 526, 644, 794,	800 1037, 1333, 1348
167, Legalize certain collections of taxes in Leavenworth county .....	221,	429
168, Relating to deeds and conveyances.....	221, 223, 573, 839, 1086, 1333,	1348
169, To empower a certain minor to hold property.....	221, 223,	536
170, In relation to a street in Wichita.....	221, 590, 623, 750,	986
171, To provide for the consolidation of adjacent cities.....	221,	560
172, To enable municipal corporations to re-fund their indebtedness.....		221 233, 365, 515, 723, 940
173, An act to authorize Oswego township, Labette county, to issue bonds, etc..		221 653, 844, 944
174, Commissioners of Fisheries, in relation to appointment.....	221,	596, 942
175, State road from Emporia to Council Grove.....	221, 380, 644, 740, 752,	985 1246, 1256, 1356, 1359
176, To enable Lyon county to build bridges.....	222, 381, 559, 645, 753,	1255 1329, 1333, 1349
177, To remove political disabilities of Robert N. Smith.....	222, 223,	536
178, To incorporate cities of the first class.....	222, 223, 427, 474, 560, 914,	1089 1296, 1354
179, Authorizing Norton county to issue bonds.....	222, 548, 739, 771, 1255,	1356 1360
180, Swamps—providing for drainage.....	222, 440, 895, 936, 939, 1000, 1007,	1013 1302, 1355
181, Home for Friendless Women—making appropriations for.....	232, 298,	518 891, 929, 970, 1091, 1324
182, Kansas State Horticultural Society—making appropriations for.....	232,	298 504, 772
183, State permanent school fund—disposition of, etc.....	297, 374, 395, 485,	885 908, 1087, 1352
184, To change name of Arletta Gillen.....	297,	375, 558
185, Conferring the rights of majority on Andrew J. Thomas.....	297, 375,	537, 1325
186, Restraining certain animals from running at large.....	297,	375, 390
187, For the relief of J. W. Rankin.....	297,	375, 432
188, Restraining dramshops and taverns.....	297, 375, 895, 928,	976
189, Railroads—to prevent obstruction of regular thoroughfares.....	295, 375,	865 962, 1301, 1353
190, To amend General Statutes of Kansas.....	297, 375, 475, 938, 939, 1000,	1037 1324
191, Railroads—to prevent miners from trespassing on tracks, etc.....	298,	375
192, To protect crops from certain domestic fowls.....	298, 440,	1356
193, Duties of town trustees defined.....	298,	746
194, To authorize Center township, Marion county, to expend \$1,000 to improve the highways.....	298, 482, 644, 763, 1255,	1361
195, Taxation of corporations.....	298,	1342
196, Authorizing Leavenworth to re-fund its railroad bonded indebtedness.....		367 368, 494, 550, 570, 587, 722, 843
197, To provide for the collection of delinquent taxes.....	368,	429
198, To apportion bonded indebtedness of Sedgwick and Harvey counties.....		368 375, 573, 835, 882, 941

No. 199, To regulate taxation on the change of boundary lines.....	368, 375, 558
200, To incorporate cities of the second class.....	376, 395, 486
201, Horticultural Society, making appropriation to State.....	372, 376, 410, 839
	851, 877, 945, 971, 1001, 1034, 1323, 1331
202, Providing for the protection of birds.....	372, 376, 410, 894, 929, 973, 1302
203, Conferring the rights of majority on George Burkett.....	372, 376, 537
204, Authorizing Franklin county to make a donation for the construction of a railroad.....	372, 376, 427, 494, 633, 717, 827, 843
205, To locate a State road in Woodson and Greenwood counties.....	372, 377, 405
	406, 538
206, To vacate streets and alleys in the town of St. George.....	372, 377, 539, 738
	794, 855, 1297, 1360, 1368
207, To authorize Noah Weaver to build and maintain a mill-dam .....	372, 377
	428, 644, 746, 848, 1088, 1296, 1333, 1349
208, To incorporate cities of the first class.....	373, 377, 406, 737, 767, 1300, 1314
	1356, 1359
209, To provide for the compromise of certain indebtedness.....	373, 375, 406
210, Authorizing the change of the frontage of lots .....	373, 377, 406, 495, 517
	632, 1082, 1254, 1352
211, To prevent the frequent change of text-books in schools.....	373, 377, 409
212, In relation to the support of common schools.....	373, 377, 428, 895, 930
	975, 1301, 1361, 1364
213, Railroads—to facilitate their construction.....	373, 378, 887, 945, 1006, 1099
214, Authorizing counties and cities to compromise their indebtedness.....	373, 377
	405, 406
215, To authorize Leavenworth county to fund all of its indebtedness.....	373, 376
216, To authorize the county of Leavenworth to raise money to purchase its outstanding bonds.....	373, 376, 419, 645, 775, 782, 841, 852, 872, 1089
	1333, 1349
217, To regulate procedure before justices of the peace.....	373, 376, 865, 886
	911, 1303, 1349
218, For the relief of Neosho county.....	374, 376, 865, 912, 1300, 1361, 1365
219, Regulating the jurisdiction and procedure before justices of the peace.....	375
	377, 513, 940
220, Providing for a bounty on certain wild animals.....	376, 430, 440
221, Declaring district clerks <i>ex-officio</i> registers of deeds.....	374, 378, 473, 937, 939
222, Authorizing cities of the first class to re-fund indebtedness.....	374, 376
223, To enable John A. Duncan, a minor, to sell real estate.....	374, 377
224, Vacating streets and alleys in St. George.....	374, 377, 539, 738, 994, 853, 1297
	1355, 1360, 1368
225, In relation to rewards for the capture of horse thieves.....	374, 376, 485, 938
	939, 1001, 1007, 1023, 1054, 1302
226, To amend certain statutes.....	371, 378, 395, 864, 885, 994, 929, 971, 1280
227, In relation to school tax levied and collected on railroads.....	378, 409, 463
228, For the relief of E. D. Rose.....	378 426
229, Railroad bill—Riggs's commissioner act.....	388, 390, 501, 502, 513, 527, 528
	529, 542, 543, 545, 549, 564, 569, 574, 576-586, 588, 591, 606, 614, 638
230, Relative to township officers.....	388, 390, 444, 895, 936, 938, 1000, 1016, 1301
	1333, 1349
231, Relating to fugitives from justice.....	388, 443
232, Providing for the building of bridges.....	388, 443, 339
233, To authorize J. A. Gillett to build a mill-dam.....	388, 390, 426, 503, 644
	794, 856
234, Making appropriation for a military contingent fund.....	388, 391, 428, 504
	508, 563, 610, 611, 623, 790, 1244, 1252, 1261, 1274, 1368
235, Insane Asylum at Topeka—appropriations for.....	388, 391, 734, 944, 971
	1001, 1008, 1035, 1239, 1361, 1367



No. 236, Relating to counties and county officers.....	389, 391, 410, 865, 894, 972, 1274	1281, 1354
237, Neutral Land Defense Committee—appropriating \$2,000.....	389, 391, 471	504, 514, 733, 928, 944, 994, 1291, 1350, 1368
238, Road and school tax derived from railroads, etc.....	389, 443, 895	
239, Deaf and Dumb Asylum—appropriation for.....	389, 391, 651, 943, 995, 1241	1252, 1254, 1256, 1323, 1332
240, To amend the General Statutes.....	389, 558, 940, 1002, 1058, 1309, 1360, 1365	
241, In relation to domestic animals running at large.....	389, 391, 560	
242, Orphan Asylum at Leavenworth, appropriation for.....	389, 391, 528, 928	940, 984, 987, 1091, 1262, 1324
243, Regulating the inspection of oils for illuminating purposes.....	389, 600, 943	1003, 1065, 1296, 1354, 1367
244, For the relief of C. L. Easley.....	389, 391, 544, 739, 870, 1255, 1354, 1365	
245, Creating the office of county assessor.....	389, 442, 739, 872, 944	
246, Relating to public bridges.....	389, 391, 427, 519, 940	
247, For the encouragement of agriculture.....	389, 392, 518, 936	
248, Regulating mines and mining.....	389, 392, 654, 943	
249, Providing for the recording of deeds to lands granted by the State to railroad companies.....	390, 391, 443, 495, 636, 1276, 1323, 1331	
250, Conferring the rights of majority on Ira Kline.....	390, 537	
251, Relating to counties and county officers.....	390, 391, 426	
252, Relating to stock.....	390, 391, 392, 426, 485, 938, 939, 983, 1001, 1013	
253, Relating to fees before justices of the peace.....	390, 410	
254, Providing for the organization of mutual life insurance companies.....	390	392, 409
255, Removing political disabilities of certain persons.....	390, 537	
256, Conferring rights of majority on a minor.....	390, 538	
257, Henry King, postmaster of Topeka—making appropriation for stamps....	390	404, 459, 475, 506, 717
258, In relation to St. Vincent de Paul's school.....	403, 404, 472, 843	
259, Railroads—regulating freights and fares.....	403, 405	
260, Defining the boundaries of the Thirteenth Judicial District.....	403, 404, 442	
261, To create the Seventeenth Judicial District.....	403, 404, 442, 501	
262, To detach the county of Chase from the Ninth Judicial District.....	403, 404	442
263, Insane Asylum at Osawatomie, appropriations.....	403, 404, 504, 891, 929	964, 1214, 1359, 1366
264, Amending certain statutes.....	403, 405, 473, 937, 939, 1000, 1008, 1021, 1301	1328, 1353
265, Relating to the salary of the County Attorney of Ford county.....	403, 405, 560	
266, Amending Laws of 1875.....	403, 405, 444	
267, Creating the Sixteenth and Seventeenth Judicial districts.....	403, 405, 486	
268, Concerning offenses against property.....	403, 404, 426, 593	
269, Assessment and collection of taxes.....	403, 405	
270, Fees and salaries.....	403, 405, 472	
271, Declaring section lines in Marshall county public highways.....	404, 427, 444	646, 755, 1260, 1361, 1368
272, Poison—relating to the sale of.....	422, 424, 515, 940, 1002, 1049, 1302	
273, To create a State board on school text-books.....	422, 424, 485, 845	
274, White Rock township, Republic county, bridge.....	422, 424, 505, 849, 1296	1361, 1367
275, Normal School, Leavenworth—making appropriation for.....	422, 425, 623	
276, Providing for taxation of State Normal School lands, when sold.....	422, 425	441, 936, 939, 1000, 1019, 1089, 1297, 1353
277, To temporarily locate the county seat of Harper county.....	422, 424, 644, 747	761, 1044, 1262, 1324
278, Providing for the building of bridges.....	422, 424, 505, 940, 1002, 1046, 1297	1359, 1365

No. 279, Relating to distribution and sale of the Supreme Court Reports.....	420, 425
	472, 937, 939, 1011, 1280, 1361, 1366
280, Relating to the building of bridges.....	423, 424, 506, 938, 940
281, Unorganized counties—in relation to.....	423, 424, 473, 937, 939, 1000, 1007
	1022, 1302, 1361, 1367
282, To dissolve the organization of a county therein named.....	423, 424, 559
	739, 1255, 1260, 1366
283, For the relief of J. M. Hawthorne.....	423, 425, 544
284, To donate \$10,000 to St. Mary's College.....	423, 425, 472
285, To authorize Rooks county to issue bonds.....	423, 425, 486, 645, 776, 837, 922
286, Conferring the rights of majority on a minor.....	423, 424, 538
287, Incorporating cities of the second class.....	432, 482, 938, 939, 1001, 1026
	1299, 1306, 1307, 1328, 1353
288, In relation to hedge fences.....	432, 506, 940, 1002, 1047
289, For the relief of Ford county.....	439, 556, 877
290, Ford county—School District No. 1.....	439, 448, 473, 645, 746, 762, 1098
	1261, 1332, 1349
291, Regulating the price of farm machinery.....	439, 448
292, Regulating the price of farm products.....	439, 448
293, Relating to roads and highways.....	439, 448, 539, 842
294, State vs. Scrafford—appropriation for expenses in prosecution.....	439, 448, 877
295, Relating to common schools.....	439, 448, 507
296, Compulsory attendance at school.....	439, 448, 474, 556, 588, 937, 939
297, Franklin county may build a bridge.....	439, 539, 738, 776, 783, 985, 1255
	1358, 1366
298, Vacating part of the streets and alleys in the town of Belvue .....	439, 448
	517, 777, 782, 1256, 1360
299, School fund—distribution to certain townships.....	440, 448, 474, 1000
300, Authorizing the county of Johnson to appropriate money, etc.....	440, 447
	515, 737, 768, 1255, 1329, 1333
301, To restrain vagrancy and common beggary.....	440, 448, 622, 943
302, For the relief of Mission township, Neosho county.....	440, 445, 447, 559, 778
	782, 802, 1088, 1255, 1302
303, Vacating farming lands in Wyandotte city.....	449, 483, 645, 746, 898, 1254
	1359, 1364
304, Authorizing Leavenworth and Lawrence to re-fund their indebtedness....	453
305, Amending certain statutes.....	453, 468, 516, 844, 935, 940, 996
306, Amending the act creating the office of State Commissioner of Fisheries..	461
	924
307, Amending the incorporating act of Leavenworth, Kansas Territory....	463, 532
308, Vacating an alley in Thayer.....	466, 468, 539, 738, 769, 985
309, Vacating streets and lots in Chanute.....	466, 468, 539, 738
310, Fixing the time of holding court in the Fifth Judicial District.....	466, 469, 569
	942, 1003, 1062, 1302
311, Conferring the rights of majority on Clinton Malcom, a minor.....	466, 468
	538
312, Vacating an alley in Augusta.....	466, 468, 540, 738
313, Regulating the sale of intoxicating liquors.....	466, 469
314, Newspapers—providing for the publication of the laws in county news- papers.....	466, 469, 599, 943
315, Legalizing the acts of T. A. Reed.....	467, 468, 484, 645, 745, 850, 1036, 1300
316, Regulating the admission of foreign insurance companies doing business in the State.....	467, 469, 507, 876, 938, 940, 984, 1001, 1027, 1297
	1328, 1354
317, Repealing certain laws of 1877.....	467, 468
318, Regulating quarantine grounds of Texas cattle.....	467, 468, 540, 1002, 1050
	1301, 1357
319, Amending the code of civil procedure.....	467, 468
320, Amending certain laws of 1876 .....	467, 468, 842

No. 321, Fixing the salaries of the County Commissioners of Leavenworth county,	467
	468, 783
322, Relating to ditches and sluice-ways.....	467, 468, 540, 653, 944, 1300
323, Authorizing Board of Commissioners of Reno county to transfer funds of school districts.....	467, 469, 594, 942
324, Relating to attorneys at law.....	467, 468, 574, 575, 1359
325, Relating to liens of mechanics and others.....	467, 468, 515, 868
326, Vacating streets in St. George.....	467, 468, 539, 739, 794, 855, 1297, 1360, 1368
327, Establishing the width of a State road from Topeka to Eskridge.....	467, 738
	779, 985, 1256, 1331
328, Defining the boundaries of Decatur, Rawlins, and other unorganized counties.....	477, 481, 517, 532, 737, 854, 1299, 1325, 1363
329, Authorizing the transfer of certain funds by county treasurers.....	479, 481
	941, 1002, 1052, 1297, 1358, 1363
330, Amending General Statutes.....	479, 480, 559, 941, 1003, 1059, 1087, 1308
331, In relation to fees of certain officers.....	479, 480, 878, 945
332, To establish the survey of the town site of Union, Riley county.....	479, 480
	516, 925, 940, 980, 1360, 1362
333, In relation to roads and highways.....	479, 481, 540
334, Legalizing the official acts of A. P. Boswell.....	479, 448, 943, 1003, 1302
335, Regulating the support of common schools.....	480, 481, 599, 942, 1001, 1032
	1298, 1358, 1360
336, Granting license for the sale of intoxicating liquors.....	480, 481, 533, 941, 1002
	1052, 1309, 1329, 1347, 1358
337, Fourteenth Judicial District, establishing times of holding court therein..	480
	481, 542, 559, 941, 1003, 1324
338, Concerning the procedure before justices of the peace.....	480, 481, 949, 1325
339, For the relief of Pawnee county.....	497, 499, 565, 876
340, Changing the name of the town of Huron.....	498, 499, 625, 943, 1003, 1077
	1299, 1359
341, Amending the operation of the "herd law".....	498, 499, 544, 941
342, Authorizing Burlington township, Coffey county, to issue bonds.....	498, 499
	842, 945
343, To enable townships and cities to aid in the construction of railroads.....	498
	499, 545, 941, 1002, 1051, 1302
344, Concerning the location and removal of county seats.....	498, 499, 531, 600
	941
345, An act to apportion the State for Representatives and Senators.....	498, 499
	532, 722, 941, 1002, 1052, 1243, 1315
346, Protecting municipalities in their subscription to the capital stock of rail- way companies.....	498, 499, 519, 940
347, Creating the office of Land Commissioner for the State of Kansas.....	498
	499, 783, 863, 894
348, Amending certain session laws.....	503, 508, 514, 940, 1002, 1048, 1346, 1360
349, Conferring the rights of majority on Franklin A. Lewis and John M. Goble.....	538
350, Authorizing the construction of levees and drains.....	513, 553, 599, 652, 943
351, Reducing the salaries of executive and judicial officers.....	514, 554, 842
352, Conferring the rights of majority on certain minors.....	514, 554
353, State Board of Agriculture—making appropriations for.....	514, 554, 623
354, Compelling life insurance companies doing business in this State to make certain deposits to secure their policyholders.....	514, 554, 596, 905, 1087
	1297, 1333
355, Vacating alleys in Cawker City.....	514, 554, 599, 942
356, Attaching Kearney county to Ford county for judicial purposes.....	514, 555
357, Establishing a code of criminal procedure—amending an act.....	514, 554, 784
358, Defining public offenses, etc.....	529
359, Regulating the compensation of certain township officers.....	529, 555, 651

No. 360, Relating to stock, etc.....	530, 555, 597,	942
361, Relating to barbed-wire fences.....	530, 555, 597,	942
362, Transferring certain funds belonging to townships.....	530, 573, 942,	1033
363, Confirming the sale of delinquent tax lands.....	542,	878
364, In relation to the support of common schools.....	542, 594, 935, 942, 997,	1009
365, Defining the boundaries of Cherokee and Labette counties.....	545, 625,	943
366, In relation to officers in Leavenworth county.....	547, 555, 594,	942
367, Regulating the levy of taxes.....	547, 555, 921, 1006, 1102,	1309
368, Conferring the right of majority on Solomon Raines.....	547,	554
369, Common schools—relating to their support.....	547, 554, 574, 941,	1303
370, Encouraging agriculture.....	547, 556, 739, 774, 1256,	1361
371, Legalizing the acts of a School Board in Lyon county.....	547, 554,	842
372, Authorizing Kingman county to issue bonds.....	548, 555, 743,	944
373, Regulating the liens of employés of manufacturing establishments.....	548,	555
	654, 794,	835
374, In relation to funds of Labette county.....	548, 594,	942
375, Vacating an alley in Chetopa.....	548, 554, 600, 943,	1354
376, Providing for the establishment of drains and ditches.....	548, 555,	835
377, Authorizing Clay county to aid in building a bridge....	548, 554, 625, 943, 1003	
	1066, 1316, 1359,	1362
378, Authorizing Pottawatomie to aid in building a bridge.....	548, 554, 600,	942
	1003, 1063, 1086,	1352
379, Vacating alleys in Lyons, Dickinson county.....	548, 554, 600, 942, 1001,	1029
		1302
380, In relation to the support of common schools.....	548, 555, 595,	740
381, Regulating the fees of clerks of district courts.....	548, 554,	872
382, Authorizing executors and administrators to do, etc., etc.....	591, 601, 943,	1003
	1064, 1309, 1359,	1363
383, Authorizing the purchase of additional grounds for the Topeka Insane Asylum.....	591,	783
384, Authorizing Bourbon county to issue bonds.....	591, 651, 925, 943, 981,	1297
	1360,	1363
385, Vacating a State road.....	602, 619,	653
386, Conferring the rights of majority on a minor.....	602,	619
387, Legalizing the incorporation of the city of McPherson.....	602, 619, 742,	944
388, Amending certain Session Laws of 1875.....	617, 620, 817, 925, 945, 980, 1276,	
	1358,	1364
389, Amending the law in relation to schools.....	617, 620, 652, 943, 1004, 1069,	1302
390, Establishing a bridge fund in Linn county.....	617, 620, 925, 943, 977,	1297
	1360, 1362,	1369
391, Authorizing private persons to establish cemeteries.....	617, 620, 733,	944
	1004, 1072,	1308
392, Regulating salaries of county officers.....	617,	620
393, Vacating an alley in Oswego.....	617, 619, 653, 845, 925, 944, 978,	1256
	1328,	1353
394, Legalizing a survey of Tell W. Walton, in Wellington, Sumner county, Kansas.....	617, 619,	945
395, Permitting small tracts of lands near cities to be numbered as lots.....	617	
	619,	1251
396, Legalizing acts of J. M. Sheafor, notary public in Shawnee county.....	617,	619
397, Amending Laws of 1876—cities of third class.....	617, 619,	742
398, Allowing county commissioners to let contracts for the construction of roads.....	628, 654,	924
399, Railroads—establishing rates of fare and freight.....	628, 887,	888
400, Doniphan county may re-fund railroad bonded indebtedness.....		646
401, Authorizing a person to change his name.....		650
402, For the relief of the County Treasurer of Mitchell county.....	650, 945,	1005
	1076, 1296, 1346,	1358
403, Regulating the district courts of the State.....	733, 944, 1004, 1073,	1309



No. 404, In relation to delinquent taxes.....	733, 1251
405, Amending the General Statutes.....	733, 783, 945
406, For the relief of Neosho county.....	742, 865, 913, 1098, 1296, 1354
407, Changing the name of Marion Center to Marion.....	743
408, For the collection of delinquent taxes .....	743, 923
409, Justices of the peace—relating to the jurisdiction of.....	744, 923
410, Apportioning the State into Congressional districts.....	785, 825, 945
411, For the relief of persons therein named.....	827, 904, 1254, 1330, 1354
412, School District No. 94, Butler county .....	827, 847, 945, 1005
413, Establishing a State road through Reno and Kingman counties .....	837, 945
414, Vacating a part of the city of Lyon, Rice county.....	839, 896, 945
415, Conferring the rights of majority on Julius Elbert.....	839
416, Authorizing Davis county to aid in building bridges.....	951, 1098, 1255, 1355
417, Legalizing the official acts of H. H. Reed, Justice of the Peace in Smith county .....	1009, 1082, 1299, 1345, 1360
418, Amending Session Laws of 1876.....	1009
419, Apportioning the State for Senators and Representatives.....	1009
420, For the relief of Mrs. Anna Lawson.....	1270
421, Legalizing the official acts of the Commissioners of Davis county.....	1316
	1347, 1359

## HOUSE CONCURRENT RESOLUTIONS.

No. 1, In relation to rates of freight and passenger fare on railroads.....	85, 169
2, In relation to adjournment (error in classification, being an ordinary House resolution).	
3, Requiring railroad companies to keep their general offices in the State, 85, 151, 182, 215, 475	475
4, Authorizing the printing of extra copies of the Governor's message.....	88, 155
5, State Printer—in relation to election of .....	106, 141
6, Providing postage stamps for use of members of the House.....	106, 151
7, Annexation of Kansas City, Mo., to Kansas.....	106, 152
8, Revision of the statutes—in relation to .....	115, 138, 152
9, Congratulating Secretary Sherman on the safe return to specie payments, 117, 152	152
10, (Error in classification).	
11, In relation to amendments to the constitution.....	117
12, Raising a joint committee to visit Insane Asylum.....	117
13, Providing for a resurvey of the State line between Missouri and Kansas, 117, 137, 365	365
14, Ordering 400 copies of printed rules of the House.....	155
15, Instructing Secretary of State to procure suitable rooms for the Enrolling and Engrossing Clerks.....	140, 155, 171
16, Annual message—providing for its printing in the German and Swedish languages.....	140, 155
17, Authorizing members and Senators to subscribe for newspapers.....	141, 142 151, 397
18, In relation to the collection of claims against railroad companies in the hands of receivers.....	149, 168
19, Osage trust lands, relating to.....	149, 168, 397
20, Memorializing Congress to repeal the limited silver-coinage laws.....	174, 215 366, 436, 510, 520, 803

No. 21, To print Senate and House journals daily.....	215,	368
22, Providing for joint session to elect U. S. Senator.....		397
23, Providing for adjournment <i>sine die</i> , Wednesday, Feb. 5, 1879.....		201
24, Asking Congress to donate the Fort Riley Military Reservation for the purpose of erecting State capitol buildings thereon.....	365, 432,	622
25, Memorializing Congress to make the office of Commissioner of Agriculture a Cabinet position.....	366,	433
26, Asking for a committee to report on the earnings of Kansas railroads.....		366 433
27, To refund certain money derived from the sale of school lands.....	396,	471
28, Memorializing Congress to amend the pension and bounty laws.....	396, 433,	871
29, Memorializing Congress to urge the passage of a certain bill.....	398,	430
30, Instructing our Congressional delegation to oppose the Texas Pacific Rail- road subsidy bill.....	432, 451, 474,	475
31, Raising a committee to visit the State Charitable Institutions.....		475
32, Instructing our Congressional delegation to labor for legislation to provide against Indian outrages on the frontier.....	453, 471,	529
33, Authorizing the appointment of a clerk to the Committee on Revision of the Laws.....		462, 564
34, Creating a new joint rule.....		469, 487
35, In relation to the clerical, police, and postal force of the House.....	523,	564
36, In relation to "posse scrip"— memorializing Congress.....	550, 879,	887
37, Indemnity school lands, in relation to.....	591, 880,	926
38, Indian depredations, in relation to losses.....		722
39, Granting use of hall to Masonic and other grand bodies.....	722, 828,	870
40, Relating to adjournment <i>sine die</i> .....		838
41, Petitioning the President of the United States to sign the Chinese bill.....		839
42, In relation to printing.....	872, 927,	950
43, Kansas river, relating to the survey of.....		920, 1337
44, Annexation of Kansas City—asking the committee to meet the Legislature in joint session.....		1091, 1099
45, Annexation of Kansas City— providing for committee to sit after adjourn- ment of the Legislature.....	1272, 1331,	1369
46, Relating to adjournment <i>sine die</i> .....		1325
47, Thanking the people of Topeka.....		1325, 1337
48, Relating to adjournment <i>sine die</i> .....		1348
49, Requesting our Congressional delegation to advocate legislation looking to- wards annexing Kansas City, Missouri, to Kansas.....		1344, 1369

## HOUSE JOINT RESOLUTIONS.

No. 1, Dassler's Statutes, relating to.....		135
2, Removing the political disabilities of Hon. W. P. Ewing, member of the House from Barbour county.....		106, 135
3, Proposing an amendment to the constitution.....	117, 133, 166, 169, 215,	369
	500, 566, 574,	937
4, Providing for a constitutional convention .....		366, 395
5, Prohibiting manufacture and sale of liquor, amending the constitution.....		396
	404, 427, 441,	949
6, Proposing an amendment to section 1, article 8 of the constitution.....	469,	480
	487, 622,	949
7, Proposing an amendment to section 1, article 5 of the constitution.....	872,	949
		1327

## SENATE BILLS, (ACTED ON BY THE HOUSE.)

No. 1, Authorizing Atchison county to re-fund its bonded indebtedness.....	446, 449 646, 759
2, Authorizing school districts to compromise their indebtedness.....	853, 870, 877 948, 1348
3, In relation to bridges—amending General Statutes.....	406, 519, 946, 979
4, In relation to the assessment and collection of taxes.....	576, 588, 949, 1001, 1030
5, Stenographers, authorizing the appointment of, by the district courts.....	854, 869 948, 1005, 1078
6, Relating to floating liens on real estate.....	476, 487, 498, 923, 1348
7, Insane Asylum, Topeka, appropriation therefor.....	155, 163, 590, 629
8, Regulating the Insane Asylums of the State.....	446, 447, 595, 937, 946, 949 1000, 1017
9, Regulating the duties of the Trustees of the State Charitable Institutions....	446 447, 595, 937, 946
10, Providing for the enrollment of the military and the National Guard of the State.....	602, 618, 620, 782, 947, 1004, 1020
12, Anderson county, special election held therein.....	192, 425, 645, 758
13, Wilson county, legalizing the acts of the Board of County Commissioners..	652 737, 766, 946, 1004
18, Authorizing State Treasurer and State Auditor to administer oaths in cer- tain cases.....	368, 392, 426, 916
19, Indemnity school lands, etc.....	178, 489, 494, 628
20, West wing of the State House, providing for the erection of.....	730, 844, 947 971, 1001, 1034
21, In relation to railroads.....	1037, 1057, 1348
22, Executive office, making appropriation for a contingent fund.....	192
26, Authorizing Miami county to create a bridge fund.....	369, 392, 393, 875 947, 1005, 1092, 1348
27, For the relief of R. T. Snediker.....	446, 564, 739, 773, 803
30, In relation to partition fences.....	646
31, In relation to partition fences.....	446, 447, 541, 937, 946, 1000, 1011
34, Defining the boundary of the Ninety-fourth and Ninety-fifth Representa- tive Districts.....	369, 392
35, In relation to the support of common schools.....	576, 618, 620 652, 946, 1004, 1069
36, Authorizing a township trustee in Ellis county to expend certain moneys,	861 869, 948, 1348
38, Authorizing townships in Linn county to vote bonds and build roads and bridges.....	397, 405, 424, 505, 765
39, Authorizing Wyandotte county to build a superstructure for a bridge.....	368 392, 487
41, State Normal School—providing for the rebuilding of the Emporia.....	920, 982 1014, 1015
44, To better protect people who assemble in public halls, etc.....	639, 650, 946 1003, 1068
48, Relating to the admission and practice of law.....	618, 619, 639, 650, 923, 1348
49, Relating to the boundaries of counties.....	858, 869, 937, 949, 1005, 1097
50, To vacate certain streets and alleys.....	507, 514, 553, 599, 946, 1001, 1030
52, In relation to common schools.....	861, 869, 1006, 1348
55, In relation to the death penalty.....	618, 619, 639, 650, 784, 947, 1348
57, Providing for the issuance of school-district bonds.....	529, 556, 572, 946 1002, 1061

No. 58, In relation to the State Historical Society.....	510, 618, 620, 654, 946, 1004, 1071
59, In relation to Delaware township, Jefferson county.....	610, 618, 619, 742 946, 1004, 1074
60, Relating to common schools.....	1037, 1055, 1348
62, Authorizing mining corporations to cultivate the surface of certain lands, .....	507 514, 554, 654, 946, 1348
63, Authorizing Paola to purchase its outstanding bonds.....	610, 618, 620, 743 947, 991, 1004, 1075
66, Extending the wings of the State Deaf and Dumb Asylum.....	964, 968, 971 1001, 1035
68, Making appropriation for State Fish Commissioner.....	467, 487, 499, 518 891, 969
70, Authorizing Clay county to aid in building a bridge.....	610, 618, 619, 653 646, 1004, 1070
71, In relation to probate courts .....	601, 618, 619
72, Allowing counties to make donations to railroads.....	610, 618, 619, 877, 947 1348
76, Sedgwick and Harvey counties—bond apportionment.....	829, 834, 883, 947 1004, 1092, 1234, 1237, 1247
77, Authorizing the purchase of the Leroy bridge by Coffey county.....	829, 834 947, 1004, 1091
79, Relating to delinquent taxes.....	610, 617, 836, 947, 1320
80, Amending the code of civil procedure.....	950, 1056, 1348
81, Concerning district courts.....	950, 1056, 1348
82, Detaching Trego county from Ellis county, etc.....	861, 870
84, In relation to the fees of certain officers.....	731, 947, 949, 1004, 1091
89, Amending the General Statutes of 1868.....	854, 870
91, Court terms, in the Fourteenth Judicial District.....	892, 1060
92, Amending the Session Laws of 1873.....	854, 869, 948, 1005, 1096
95, Changing the boundary line between Osage and Franklin counties.....	446, 447
98, Executors and administrators, and estates of deceased persons.....	1037, 1056, 1348
102, Authorizing the destruction of counterfeit money in the hands of the State Treasurer.....	856, 869, 949, 1005, 1081
103, In relation to State Normal School lands.....	869
104, In relation to lands sold for taxes .....	854, 869, 948, 1265
111, Authorizing Kingman county to issue bonds.....	858, 869, 948, 1348
112, Prohibiting persons from hunting upon the lands of another.....	1037, 1055, 1348
113, Amending the code of civil procedure .....	935, 1056, 1348
114, Concerning district courts.....	936, 1057
120, In relation to county jails.....	1036, 1056, 1348
128, In relation to the school fund of Sedgwick county .....	1300
130, In relation to cities of the second class.....	892, 1057, 1348
132, Regulating conveyances of real estate.....	892, 1057, 1348
137, Authorizing municipal townships to subscribe for stock in railroads.....	927, 1320
138, In relation to property sold for unpaid taxes.....	927, 1055, 1339
141, Amending the General Statutes.....	1037, 1056, 1348
142, In relation to Lyon county's stock in the K. C. E. & S. R. R.....	870, 948 1005, 1079
144, Vacating streets and alleys in Sterling.....	950, 1054
145, Providing for engrossment and enrollment of bills, etc.....	935, 1055, 1336
147, Authorizing cities of the second class to surrender their charters, and or- ganize towns.....	892, 1001, 1024
151, Suppressing houses of prostitution.....	1036, 1057, 1348
152, For the relief of certain persons.....	861, 869, 948, 971, 1002, 1045
153, Authorizing school boards to transfer certain funds.....	861, 870, 948, 1005 1093, 1247
155, Providing for the reception of U. S. prisoners in county jails.....	639, 650, 784 946, 1003
156, Relating to deeds and conveyances.....	892, 1057, 1318



No. 158, Regulating the terms of school in the State.....	927, 1000, 1012
159, Explanatory of chapter 83, Laws of 1873.....	892, 1057, 1317
163, Authorizing Blue Rapids township, Marshall county, to issue bonds...	858, 869
	948, 1005, 1092
164, In relation to the powers and duties of State officers, and creating the "Executive Council".....	828, 847, 923, 947, 1002, 1018, 1247
165, For the relief of Geo. R. Somers.....	858, 870, 915
167, State Agricultural College—making appropriation for.....	1248, 1280, 1281, 1282
	1313
168, Enabling Doniphan county to re-fund its railroad indebtedness.....	713, 732
169, For the relief of G. W. Squires.....	713, 733, 792
171, Defining the boundaries of Barton and Pratt counties.....	1026, 1056
172, Respecting executors and administrators.....	860, 870, 948, 1005, 1095
176, Providing payment to the State agent—Hon. Samuel Crawford.....	1026, 1056
	1084
177, Executive and Judicial departments—appropriations for.....	1239, 1268, 1282
	1295, 1300
178, Amending chapter 145, Laws 1877.....	963, 1057, 1348
179, In relation to School District No. 94, Butler county.....	993, 1056, 1077
180, Ottawa public library tax.....	860, 948, 1005, 1080
181, To provide for the punishment of bribery.....	892, 1085, 1245, 1348
182, Concerning notices of protest, etc.....	1036, 1055, 1348
183, Legalizing the official acts of a justice of the peace in Wabaunsee county....	1025
	1029, 1056, 1319
184, Reestablishing the judicial districts of the State.....	1058, 1084, 1238, 1240, 1264
185, In relation to the boundaries and streets of Wichita.....	950, 1056, 1337
186, Authorizing the Secretary of State to purchase a compilation of the laws of the State.....	935, 949, 1001, 1028
187, Railroad strike, paying expenses of militia, etc.....	1026, 1056, 1266
188, State printing, making appropriation for, etc.....	1026, 1056, 1267
189, Authorizing Montgomery county to pay a claim.....	927, 1055, 1348
190, Authorizing Neosho Falls, Woodson county, to exchange new for old bonds,	993
	1012, 1083, 1262, 1348
192, Legalizing the incorporation of the town of McPherson.....	1037, 1055, 1338
193, Reimbursing counties for the keeping of insane persons.....	1241, 1270, 1331
194, Making appropriations for per diem and mileage of Trustees of State Charitable Institutions.....	1241, 1249, 1271
195, Making appropriations for conveying persons to the State Penitentiary...	1239
	1249, 1278
196, Making appropriations for miscellaneous purposes.....	1280, 1281, 1303
	1311, 1331, 1332, 1342, 1345, 1347
197, Authorizing Board of State Charities to condemn lands.....	1242, 1244
198, Raising revenue for 1880 and 1881.....	1291
199, Authorizing the Board of Commissioners of Shawnee county to purchase a site for the State Reform School.....	1262, 1263
201, Making appropriation for the Legislative department.....	1299, 1312
	1331, 1332, 1341

## SENATE CONCURRENT RESOLUTIONS.

No. 1, Raising joint committee to wait on the Governor.....	56, 61,	207
3, Providing for a joint committee on the revision of laws.....	113, 136,	169
4, Asking federal courts for the Indian Territory.....	107,	137
5, Providing for a joint session to receive the Governor's message .....	59,	60
6, Annexation of Kansas City, Mo., to Kansas.....	120, 136,	368
7, Adopting joint rules of 1877, as the joint rules of 1879.....	113,	137
8, Constituting a joint committee on the Price raid claims.....	113,	137
9, Directing members of Congress to procure a resurvey of the line between Missouri and Kansas.....	120,	137
10, Requiring commissioners to revise laws of Kansas to report their action to the Governor.....	113	
11, Providing for a joint convention to elect State Printer .....	113, 116,	121
13, Ordering report of the State Historical Society printed.....	232	
14, Amending joint rule No. 18, in relation to printing of bills and other docu- ments.....	365	
17, Senatorial investigation, providing for joint committee.....	397, 401,	419
18, In relation to federal judiciary .....	446	
19, In relation to the United States Supreme Court Reports.....	476,	487
21, Quantrill losses, in relation to.....	507,	626
22, Relating to the business of the session.....	546,	666
26, Instructing Attorney General to institute suits.....	602,	878
27, In relation to adjournment <i>sine die</i> .....	1010,	1251
28, Relating to gas in the State House .....	1010	
29, Ordering journals of the Legislature transcribed by the Secretary of the Senate and Chief Clerk of the House. ....	1306,	1336
30, Authorizing the Governor to appoint a commission to revise the militia laws of the State.....	1306	
31, Relating to adjournment <i>sine die</i> .....	1352,	1369

## SENATE JOINT RESOLUTIONS.

No. 1, Indian raid of 1879—relating to losses sustained by citizens of Kansas...	207,	425
	572, 876,	963
2, Proposing an amendment to the constitution — property exempt from tax- ation.....	437,	589, 786, 852
3, Proposing an additional article (No. 10) to the constitution, prohibiting the manufacture and sale of intoxicating liquors.....	576, 618, 620, 742,	949 998
7, Recommending the calling of a constitutional convention.....	861, 869,	961

## HOUSE RESOLUTIONS.

On order of election of officers.....	10
Instructing Chief Clerk to notify Senate of the organization of the House.....	44
Respecting the election of Pages.....	56
Relating to the drawing of seats.....	61
Prohibiting smoking in the halls.....	62
Raising committee on revision of rules.....	83
Authorizing Speaker to appoint a Minute Clerk.....	82
Authorizing Speaker to appoint an Assistant Docket Clerk.....	84
Instructing Secretary of State to furnish Laws.....	85
Relating to the revision of statutes.....	85
Allowing political parties to use hall.....	106
In relation to temperance.....	107
"Political resolutions".....	117
In relation to temperance.....	118
Inviting Mr. Calderwood, of Ohio, to deliver a temperance lecture.....	109, 119
In relation to prospecting for coal at the State Penitentiary.....	149
In regard to public school lands.....	150
In reference to postage stamps.....	151
Providing Committee on Engrossed Bills with a clerk.....	171
Granting use of hall for lecture on temperance.....	203
Instructing Sergeant-at-Arms to furnish map of the State to Committee on County Seats and County Lines.....	214
Changing the hours of meeting.....	217
In reference to Speaker Clarke.....	232
In relation to temperance (see House joint resolution No. 5).....	396
In relation to pension and bounty laws (Senate concurrent resolution No. 27).....	396
Allowing Insurance Committee to employ a clerk.....	298
Allowing Agricultural Committee to employ a clerk.....	398
Providing for resurvey of Fort Larned military reservation (House concurrent resolution No. 29).....	398
Asking that Investigation Committee be discharged from further consideration of the subject.....	398, 435
"Paired," by consent—Alexander and Congdon.....	412
In reference to the hours of meeting.....	431, 881
Local bills to be made special order.....	431
Instructing Committee on Charitable Institutions.....	432
Railroad, Texas Pacific, subsidy.....	432
Asking that arms be furnished western counties exposed to Indian depredations....	433
Instructing Committee on Investigation to notify persons interested to appear.....	435
Manual, Clerk's Legislative.....	450, 470
Indian outrages on frontier (see House concurrent resolution No. 32).....	453
Authorizing Speaker to apportion committee clerks to other committees.....	471
Amending House Rule No. 54.....	502
Placing appropriation bills at the head of the calendar.....	543
Limiting speeches to five minutes on House bill No. 229.....	546
Directing Sergeant-at-Arms to bring E. L. Smith, Manager W. U. Telegraph Co., before the bar of the House.....	570
Resignation of clerk of Investigating Committee.....	571
Arraignment of Smith in case of contempt.....	604
Reply of Smith in case of contempt.....	605, 806
Resolution confining him in Capitol building.....	605

Directing Secretary of State to provide comfortable quarters for the defaulting witness, Smith.....	608
In relation to the revision of the statutes.....	721
State Printer—requesting him to inform the House of the probable cost of printing 3,000 copies of the compiled laws of the State.....	744
Reply of State Printer, Geo. W. Martin.....	797
McClintick, Hon. G. W., ordering arrest of.....	805
Asking that reports made by the Investigating Committee, and all papers submitted to date, be referred to Committee on Judiciary.....	825, 830
Assigning committee clerks to Committee on Investigation.....	841
Regulating bills on the calendar.....	881
Asking Congress to order a thorough survey of the Kansas river.....	921
Limiting speeches in committee of whole to three minutes.....	935
Releasing E. L. Smith from custody of Sergeant-at-Arms.....	1085
Annexation of Kansas City—extending privileges of floor to committee.....	1085, 1091
See House concurrent resolution No. 44.....	1099
See House concurrent resolution No. 45.....	1272
Rescinding order forbidding certain persons from the privileges of the floor of the House .....	1092
“Stumbaugh resolution,” in relation to Hossack committee.....	1231, 1257
Instructing Sergeant-at-Arms to appoint additional assistants.....	1258
Instructing Secretary of State to send copies of report of Investigating Committee to members.....	1260
Instructing Chief Clerk to make certified copy of testimony and reports of Investigation for State Printer.....	1261, 1273
In relation to J. F. Burris, Assistant Postmaster.....	1273
“Callen resolution,” censuring certain members.....	1291
“Riggs resolution,” censuring Messrs. Raybell, and Anderson of Ellsworth.....	1294
Allowing the Docket Clerks extra time.....	1311
Allowing the Journal Clerks extra time .....	1344
Allowing copying clerks extra time for night work.....	1345
Appropriating money to purchase a wig for the Hon. T. J. Anderson, of Shawnee, .....	1345
Thanking C. P. Bolmar, clerk of Committee on Ways and Means.....	1349
Thanking Speaker Clarke .....	1350
Thanking Speaker <i>pro tem.</i> Price.....	1350
Thanking Chief Clerk Walton .....	1351
Thanking Sergeant-at-Arms Higgins .....	1351
Tendering the use of the hall to the State Normal Academy of Music .....	1370
Adjourning <i>sine die</i> .....	1370

## HOUSE BILLS AND RESOLUTIONS.

(BY WHOM INTRODUCED.)

*Nos. of bills and resolutions.*

Albin.....	House bills Nos. 49, 81, 82, 83, 161, 163, 346, 412*
Alexander.....	22, 113, 114, 249, 327
Anderson, of Cherokee .....	58, 237, 238, 348, 367
Also, House joint resolution.....	7
Anderson, of Shawnee.....	254, 291, 292, 293
Also, House concurrent resolution.....	30
Armstrong.....	51, 147, 296, 303
Also, House concurrent resolutions.....	6, 9
House joint resolution.....	6
Baker .....	61, 417



Ballard.....	106, 141, 182, 343
Beaty.....	252, 253, 316
Berry.....	115
Bevins.....	11, 46, 208, 222, 317, 383
Biddle.....	26, 27, 75, 76, 77, 127, 283, 301, 324, 358, 399, 411
Also, House concurrent resolutions.....	21, 23, 31, 33, 41, 42
House joint resolution.....	1
Bishop.....	151
Bissell.....	32, 33, 153, 380
Blackman.....	117, 166, 349
Also, House concurrent resolution.....	18
Blanchard.....	99, 173, 364, 393
Boggs.....	285, 286
Bower.....	7, 8, 68, 297
Breyfogle.....	142, 164, 165, 264, 336
Brinkman.....	23, 84, 95, 98, 278, 356
Bronson.....	260, 261, 262, 312
Brown.....	355, 402
Bruner.....	104, 300
Bull.....	15, 16, 17, 18
Also, House concurrent resolutions.....	3, 11
Butts.....	88, 158, 189, 190, 191, 350
Callen.....	1, 245, 246, 247, 273, 416, 421
Also, House concurrent resolution.....	43
Calvin.....	169, 188, 211, 374, 375
Also, House concurrent resolutions.....	27, 28
Clapp.....	20, 347
Also, House concurrent resolution.....	47
Clark.....	306, 334
Clogston.....	203, 310, 311
Congdon.....	193
Cool.....	53
Cunningham.....	40, 41
Danhaur.....	240, 331, 338, 414
Donahue.....	12, 155
Eastland.....	69, 150, 268, 318, 328
Eckles.....	184, 225, 272, 314
Also, House concurrent resolution.....	4
Ewing.....	101, 130, 255, 384
Faulkner.....	276
Also, House joint resolution.....	5
Fisler.....	109, 125, 277
Gable, Frank M.....	159, 214, 216, 359, 360, 366
Gable, Thos. P.....	321
Games.....	280
Gillespie.....	248
Gilmore—House joint resolution.....	3
Godfrey.....	210, 394
Also, House concurrent resolution.....	38
Greever.....	180
Also, House concurrent resolutions.....	7, 45, 49
Greiffenstein.....	200
Hall.....	9, 42, 43, 64, 217, 218, 219, 256, 302, 406
Hamilton, of Marshall.....	271
Also, House concurrent resolution.....	20
Hamilton, of Norton.....	85, 179, 207, 282
Hartshorne.....	308, 309, 319, 320, 341, 351, 392
Hankins.....	162, 202

Helmick .....	373
Henderson.....	215
Hewins .....	24, 25, 73, 74, 363
Hodge .....	13, 60, 118, 232, 233, 379, 419
Also, House concurrent resolutions.....	15, 46
Hossack .....	134
Huffaker.....	171, 185
Humes.....	10, 39, 227, 410
Hutchison .....	340
James, of Shawnee.....	31, 235, 236, 287, 376, 395, 396
James, of Wyandotte.....	45, 62
Also, House concurrent resolutions.....	13, 44
Keller .....	78, 79, 107, 121, 228, 251, 270
Kelley.....	186, 187
Kennedy.....	154, 400
Kollock.....	152, 194, 250, 329, 362, 405, 407
Lawson.....	133, 197, 244, 267, 322, 323
Also, House concurrent resolution.....	32
Legate.....	21, 38, 80, 144, 145, 146, 178, 181, 183, 209, 231, 258, 259, 307, 386, 408
Also, House concurrent resolution.....	1
Leonard — House concurrent resolution.....	25
Loy.....	59, 243
Manning — House concurrent resolutions.....	14, 34, 35
Martin, of Kingman.....	70, 87, 103, 129, 174, 372, 413
Also, House concurrent resolution.....	19
House joint resolution.....	2
Martin, of Labette.....	116
McClintick.....	177, 337, 387
Also, House concurrent resolution.....	26
McKay.....	132, 330
McMillen.....	223, 385
Miller .....	66, 67, 126, 148, 149, 167, 196, 275, 401
Moore.....	86, 274
Morgan.....	29, 136, 305, 404, 418
Myers .....	57, 332
Parsons.....	28, 30, 50, 221, 226, 388
Also, House concurrent resolution.....	16
Price.....	47, 48, 72, 91, 92, 131, 381
Also, House concurrent resolution.....	39
Prunty.....	65, 108, 119, 298, 333, 364
Randolph.....	123, 124, 279, 294, 342
Rath — House concurrent resolution.....	37
Raybell.....	205, 352
Rice.....	35, 128, 263
Also, House concurrent resolution.....	12
Richards.....	93, 94, 409
Riggs.....	54, 55, 56, 105, 137, 138, 139, 140, 201, 229, 304, 403, 421
Robb.....	6, 96, 97, 204
Also, House concurrent resolution.....	17
Sallee.....	71, 172, 212, 213, 398, 415
Also, House concurrent resolution.....	36
Scott .....	44
Seaton.....	325
Selover.....	230
Shaw.....	239
Smith, of Marshall.....	2, 168, 370
Also, House concurrent resolution.....	22
Spilman.....	36, 37, 90, 269, 335, 397

Stewart.....	19, 102
Stitt.....	160
Stumbaugh.....	344, 345, 391
Taylor.....	3, 4, 5, 110, 111, 377
Towle.....	368, 369
Tucker.....	170, 198, 199, 295
Wait, of Lincoln.....	14, 143, 266
Wait, of Linn.....	52, 112, 192, 220, 389, 390
Waite, of Pawnee.....	195, 234, 281, 339
Also, House concurrent resolution.....	29
House joint resolution.....	
Walker.....	206, 224, 284, 315, 326, 378
Watson.....	135, 175, 176
White.....	63, 313, 354, 357
Also, House concurrent resolution.....	24
Wiley.....	100
Wilson, of Jackson.....	89, 288, 299, 361
Wilson, of Nemaha.....	241
Wright.....	34, 242, 265, 289, 290
Speaker Clarke.....	156, 157, 382
Committee on Ways and Means.....	257
Committee on Agriculture.....	253
Committee on Revision of Laws—House concurrent resolution.....	8
Special Committee on Revision of Statutes—House concurrent resolution.....	8

## SPECIAL COMMITTEES.

	PAGES
To conduct Speaker elect to the chair: Messrs. Price, Biddle, and Bull.....	27
On revision of rules: Messrs. Manning, Legate, and Ballard.....	82
To apportion Governor's annual message: Messrs. Manning, Smith of Marshall, and Sallee.....	84
On inquiry of revision of statutes: Messrs. Biddle, Tucker, and Spilman.....	85
On Senatorial investigation: Messrs. Randolph, Callen, Hall, Hartshorne, and Keller.....	294
On annexation of Kansas City, Mo., to Kansas: Messrs. Greever, Richards, Gilmore, Fisler, and Brinkman.....	136
To revise the House calendar: Messrs. Biddle, Stumbaugh, Clapp, Sallee, and White.....	968
On House bill No. 345: Messrs. Anderson of Cherokee, Hodge, Albin, Sallee, and Wait of Lincoln.....	1244
On conference, House bill No. 234: Messrs. Waite of Pawnee, Eggers, and Armstrong.....	1261
On conference, House bill No. 77: Messrs. Biddle, Shaw, and Alexander.....	1275
On conference, Senate bill No. 177: Messrs. Manning, Ballard, and Hewins.....	1282
On conference, House bill No. 287: Messrs. James of Shawnee, Briggs, and Faulkner.....	1306

## REPORTS OF SPECIAL COMMITTEES.

From committee to wait on the Governor.....	62
From committee to revise the rules of the House.....	88
From committee to inquire into revision of laws.....	113
From committee to apportion the Governor's annual message.....	116
From joint committee on annexation.....	368
From committee to revise the statutes.....	413
From committee to investigate the Senatorial election.....	569, 805, 1103-1231
From committee on House bill No. 23.....	646
From committee on revision of daily calendar.....	1000
From committee on House bill No. 234.....	1274
From committee on House bill No. 77.....	1277
From committee on Senate bill No. 177.....	1300
From committee on House bill No. 345.....	1315
From committee on Senate bill No. 201.....	1341
From committee on Senate bill No. 196.....	1342
From committee on Senate bill No. 196.....	1347
From committee on House bill No. 100.....	1343

## SPECIAL ORDERS.

Pages.....	136, 184, 528, 542, 563, 566, 569, 576, 586, 606, 638 727, 838, 970, 1054, 1092, 1241, 1256
------------	--

## CALL OF THE HOUSE.

Pages.....	400, 584, 640, 725, 734, 786, 919, 967, 998, 1237
------------	---

## POINTS OF ORDER.

By Mr. Biddle, overruled.....	105
By Mr. Biddle, overruled.....	419
By Mr. Legate, overruled.....	399
By Mr. Legate, overruled.....	1232
By Mr. Stumbaugh, overruled.....	411



## QUESTIONS OF PRIVILEGE.

By Mr. Ballard .....	231
Mr. Biddle .....	127
Mr. Callen .....	1291
Mr. Clapp .....	227
Mr. Congdon .....	882
Mr. Eckles .....	295
Mr. Hartshorne .....	841
Mr. Legate .....	127, 398
Mr. Randolph .....	570, 805
Mr. Riggs .....	1294
Mr. Smith, of Marshall .....	127

## LEAVE OF ABSENCE.

### MEMBERS.

Anderson, of Ellsworth .....	566
Anderson, of Shawnee .....	511
Armstrong .....	294
Baker .....	1260
Ballard .....	610, 643
Barber .....	421, 593
Barrackman .....	170, 847
Beaty .....	575
Berry .....	170, 542, 736
Bevins .....	511, 616
Biddle .....	464
Bishop .....	438
Blackman .....	897
Boggs .....	219, 421
Bower .....	170, 509, 967
Breyfogle .....	609
Briggs .....	587
Brinkman .....	160
Bronson .....	881
Brown .....	881
Bruner .....	464, 643
Callen .....	464
Clark, of Montgomery .....	509, 589, 1057
Congdon .....	386, 589, 1260
Cool .....	464
Corbin .....	170, 370
Danhaur .....	589
Donahue .....	464, 566, 593
Eckles .....	847
Eggers .....	741

Ewing.....	83, 479
Fisler.....	509, 547, 563
Gable, Frank M.....	464, 649, 1025
Gable, Thos. P.....	170, 464, 649
Games.....	847
Gillespie.....	88, 587
Greever.....	464
Greiffenstein.....	616, 897
Hall.....	609
Hamilton, of Marshall.....	610
Hartshorne.....	294
Hankins.....	88
Helmick (absent on February 5th, but excused on the 6th).....	881
Henderson.....	170, 370, 587, 649, 847
Hodge.....	479
Hossack.....	479
Huffaker.....	736, 897
Humes.....	421, 438, 479, 1009
Hutchison.....	511, 736, 1009
James, of Shawnee.....	60, 479
Kennedy.....	438
Kollock.....	572, 967
Legate.....	1053
Loy.....	479
Martin, of Kingman.....	465
Martin, of Miami.....	464
McClintick.....	616
McMillen.....	847
Miller.....	386, 587
Price.....	159, 294, 587, 610, 847
Rath.....	88
Raybell.....	421
Rice.....	219
Richards.....	847
Riggs.....	159, 509, 609
Robb.....	170, 592
Rood.....	370
Sallee.....	1260
Scott.....	547
Seaton.....	159, 370, 511, 593
Selover.....	438, 575, 587
Shaw.....	587
Smith, of Bourbon.....	124, 219, 1260
Spilman.....	736, 1025
Stewart.....	610, 881
Stumbaugh.....	171
Tallman.....	1260
Towle.....	170, 593
Tucker.....	509, 547
Wait, of Lincoln.....	294, 497, 511, 547
Wait, of Linn.....	847
Watson.....	370, 587, 1281
White.....	643
Willey.....	1045
Wright.....	464

## OFFICERS AND COMMITTEES.

Committee on Assessment and Taxation.....	509
---	-----

Committee on County Lines and County Seats.....	509
Committee on Senatorial Investigation .....	497, 509
Committee on Roads and Highways .....	509
Special committee on House bill No. 23.....	601
Committee on Ways and Means.....	564, 643
Doorkeeper, Assistant, J. Donahue.....	158, 847
Doorkeeper, R. E. Jenness.....	438
Sergeant-at-Arms, Wm. Higgins.....	847

## COMMUNICATIONS FROM STATE OFFICERS AND OTHERS.

From Attorney General of State, in reply to resolution of the House.....	718
From Auditor of State, in relation to public lands, etc.....	207, 364, 828
From Chief Clerk of the House, in response to resolution.....	512
From Gen. Pope, in reference to Indian raid.....	521
From Secretary of State Historical Society.....	436
From State Printer, in relation to cost of revised statutes.....	797
From Chief Clerk of Secretary of State's office, in relation to cost of revised statutes.....	798
From Hon. W. C. Webb, in relation to revision of statutes.....	930

## COMMITTEE OF THE WHOLE.

Alexander, of Shawnee, chairman .....	493
Anderson, of Cherokee, chairman.....	890, 927
Anderson, of Shawnee, chairman.....	369, 803
Bruner, chairman.....	894
Bull, chairman.....	462
Callen, chairman.....	215
Hodge, chairman.....	528, 542, 563, 569, 576
Humes, chairman.....	971
Manning, chairman.....	589, 936
Price, chairman.....	838
Smith, of Marshall, chairman.....	476, 610, 644, 737
Stumbaugh, chairman.....	566
Waite, of Pawnee, chairman.....	500, 504

## PRESENTATION OF PETITIONS.

Pages.....	109, 128, 144, 145, 179, 203, 296, 371, 387, 402, 421, 465, 479, 500, 512
	542, 549, 562, 574, 601, 616, 650, 743, 780, 832, 841, 868, 891

## PETITIONS.

By Mr. ALBIN: Of citizens of Butler county, in reference to rates of fare and freight on railroads.....	128, 129
Also, of C. G. Manley, E. L. Akin, H. D. Hill, and 142 other citizens of Augusta, Butler county, Kansas, praying for an amendment to the dramshop act....	891
By Mr. ALEXANDER: Petition for damage, of D. Boyant, sustained in the erection of the State House.....	421
Also, of Mrs. M. O. Spencer and 138 others, praying that the dramshop act apply alike to all cities and towns of the State.....	601
Also, of Easton Lester and 40 others, praying for the payment of the Price raid claims.....	650
Also, of citizens of Tecumseh, Shawnee county, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation—in accordance with the recommendation of the Governor's late message.....	868
By Mr. ANDERSON, of Cherokee: Praying for the enactment of a law regulating freights and fares on railroads.....	296
Also, of G. G. Gregg and 82 others, asking an appropriation of \$2,500 to the Neutral Land Executive Committee, to aid in testing the title of the Gulf Railroad Company to the Cherokee neutral lands.....	439
By Mr. ANDERSON, of Shawnee: In reference to Price raid claims.....	145
Also, remonstrance of Guilford Dudley and other heavy tax-payers of Shawnee county, against the passage of the Riggs railroad bill.....	575
By Mr. ARMSTRONG: Of sundry citizens of Wyandotte county, praying for a certain amendment to the State constitution.....	549
By Mr. BEATY: Of citizens of Brown county, praying for a constitutional amendment prohibiting the sale of intoxicating liquors.....	372
By Mr. BIDDLE: Of certain citizens, in reference to the Price raid claims.....	109
Also, of James Barrick and others, in reference to Price raid claims.....	128
Also, of M. McCauley and others, praying for the passage of a law settling the Price raid claims.....	128
Also, of A. C. Doud and 49 others, residents of Linn county, praying for the payment of the Price raid claims.....	465, 466
By Mr. BLACKMAN: Of L. H. Cook and 299 others, citizens of Leavenworth county, asking for the repeal of the dramshop act, and for the passage of a law prohibiting the introduction and the sale and giving away of alcoholic drinks,	203
Also, of citizens of Leavenworth county, praying that the clause exempting church property from taxation be stricken from the State constitution.....	868
By Mr. BLANCHARD: Of citizens of Labette county, praying for the passage of a law prohibiting the sale of intoxicating liquors.....	220
Also, of sundry citizens of Labette county, praying for an amendment to the State constitution prohibiting the manufacture and sale of intoxicating liquors, etc.....	743
By Mr. BOWER: Asking for a constitutional amendment prohibiting the liquor traffic.....	387



By Mr. BREYFOGLE: Of 132 citizens of Atchison, to amend the dramshop act.....	479
Also, of B. F. Hollenbeck and 65 others, praying for the enactment of a law to distribute the school tax collected in the respective counties of the State to the several school districts of such counties equally.....	553
Also, of 49 citizens of Johnson county, praying for the enactment of a law distributing the school tax collected from railroads equitably among the school districts.....	650
Also, of citizens of Johnson county, praying for the passage of a more restrictive dramshop law.....	841
By Mr. BRINKMAN: Of 80 citizens of Stafford county, praying to be set into Pratt county.....	438
Also, of citizens of Barton county, protesting against passage of House bill No. 229, .....	550
By Mr. BRONSON: Of John Reid and 590 others, of Butler county, Kansas, against railroad legislation.....	465
Also, of E. B. Brainerd and 89 others, against the passage of House bill No. 229, relating to freights and passenger rates.....	513
Also, of E. N. Shutt and 20 others, against House bill No. 229, regulating freights and passenger rates.....	549
Also, of J. A. McGinnis and 123 other citizens of Butler county, praying for the passage of a prohibitory liquor law .....	601
By Mr. BRUNER: Of citizens of Johnson county, praying for prohibitory liquor laws.....	371
Also, of resident freeholders of the State of Kansas, asking that owners of hedge fences be required to trim, etc.....	371
Also, of citizens of Johnson county, praying for the enactment of a prohibitory liquor law.....	616
By Mr. BUTTS: Of 250 citizens of Jefferson county, praying for a temperance law..	616
By Mr. CALLEN: Of Jesse Dover and 159 others, being four-fifths of the voters of the territory named, praying to get out of Dickinson county and into Davis, .....	203
Also, from residents of Dickinson county, asking to go to Davis county.....	438
Also, of B. M. Robinson and others, of Marion county, remonstrating against the passage of House bill No. 229.....	574
Also, of R. C. Coble and others, of Marion county, remonstrating against the passage of House bill No. 229 .....	574
Also, of C. E. Butterfield and others, of Marion county, remonstrating and protesting against the passage of House bill No. 229.....	574
By Mr. CALVIN: Of S. A. Smith and 216 citizens of Labette county, Kansas, and soldiers of the late war, asking the Legislature to memorialize Congress in behalf of the late soldiers of the United States army, wounded and disabled in the service.....	371
By Mr. CLAPP: Praying for a law to regulate freights and fares on railroads.....	297
Also, praying for a constitutional amendment prohibiting the sale of liquors.....	297
Also, praying that such changes shall be made in the code of civil procedure, that laborers shall not be required to give bond for cost in suits for wages.....	372
By Mr. CLOGSTON: Of citizens of Greenwood county, praying for the passage of a prohibitory liquor law.....	220
By Mr. CONGDON: Of Theodore Kline and 73 other citizens of Harvey county, praying legislation in reference to taxation of personal property.....	296
By Mr. COOL: Asking a constitutional amendment prohibiting the liquor traffic....	371
Also, of citizens of Ottawa county, in relation to the liquor traffic.....	513
Also, of Ottawa county, remonstrating against sundry petitions now being circulated in said county authorizing the Board of County Commissioners to take charge of certain bridges built by certain townships in said county... ..	513

Also, of citizens of Cloud county, praying for a certain amendment to the State constitution.....	549
Also, praying for an appropriation for Capt. B. C. Saunders's company of State militia, stationed at Lake Sibley, in the year 1868, to protect the frontier...	601
By Mr. CORBIN: Of 75 citizens of Montgomery county, praying that House bill No. 229 become a law.....	549
By Mr. CUNNINGHAM: Praying for the passage of House bill No. 41, An act to vacate certain streets and alleys in Baldwin City.....	296
Also, of M. A. McLelland and 11 others, citizens of Atchison county, praying for the passage of a law permitting resident tax-payers to vote in aid of railroad subsidies.....	549
By Mr. DONAHUE: Of R. R. Moore and 118 others, asking for an appropriation for the Northeastern Normal School, of Pardee.....	421
Also, of W. H. Clarke and 69 others, asking for an appropriation for the Northeastern Normal School, at Pardee, Atchison county.....	465
Also, of A. Cushman and 39 others, praying for the abolition of the office of County Superintendent of Public Instruction.....	512
Also, of A. Cushman and 29 others, praying for the abolition of the \$200 exemption, and the tax on mortgages.....	512
By Mr. EASTLAND: Of Edward Detwin and 200 other citizens of Russell county, Kansas, praying the Legislature to enact a law prohibiting railroads from unjust discrimination in tariffs and fares in favor of competing points as against non-competing points.....	549
By Mr. ECKLES: Of S. J. Smith and 46 others, citizens of Rice county, praying for a law regulating freight rates for railroads in this State.....	438
Also, of citizens of Ford county, asking the removal of the "dead-line".....	465
Also, of citizens of Ford county, asking the removal of the "dead-line".....	465
Also, remonstrance of A. L. McMurphy and 131 other citizens of Rice county, against the passage of House bill No. 229, An act to establish a Board of Railroad Commissioners, to prescribe their powers and duties, and to prevent and punish extortion and unjust discrimination by railroads in the transportation of passengers, freights and freight cars.....	513
Also, of 205 citizens of Rice county, praying that the dramshop act be so amended as to apply to all towns and cities alike.....	616
Also, of citizens of Rice county, praying for an amendment to the dramshop act...	841
By Mr. EWING: Asking the adoption of a State road through Kingman and Barbour counties.....	372
By Mr. FAULKNER: Of citizens of Saline county, praying for the passage of a law in relation to the subject of temperance .....	161
Also, of citizens of Saline county, praying for the passage of a prohibitory liquor law .....	220
Also, of 220 citizens of Saline county, Kansas, praying that the dramshop act be amended as suggested in the Governor's message.....	562
By Mr. FISLER: Of the Commissioners and electors of Harper county, praying to have the vote of November 5th, 1878, locating the county seat at Anthony, legalized .....	438
Also, of sundry citizens of Harper county, Kansas, relative to the location of the county seat thereof.....	465
By Mr. GAMES: Of Dr. J. M. Carpenter and 140 other citizens of Miami county, Kansas, asking that the dramshop act be amended in accordance with the recommendation of the Governor's late message.....	372
Also, of some 80 citizens of Miami county, praying for a change in the dramshop act, in accordance with the Governor's message.....	650

By Mr. GODFREY: Of 107 citizens of Sumner county, protesting against the passage of the Riggs railroad bill (House bill No. 229).....	601
Also, of several citizens of Sumner county, protesting against the passage of the Riggs railroad bill (House bill No. 229).....	616
Also, of Rev. James E. Gilbert and 1,250 other citizens of Topeka, asking for an amendment to the dramshop act.....	465
By Mr. GREEVER: Of Geo. B. Wood and 175 others, of Wyandotte city, praying that the temperance bill be not passed.....	780
By Mr. HALL: Of J. R. Detwiler and 416 others, voters of Neosho county, in favor of a constitutional amendment prohibiting the manufacture of intoxicating liquors.....	203
Also, of W. H. Williams and 24 others, and of C. L. Bacon and 123 others, citizens of Neosho county, praying for such amendments to the herd law as will enable the people of the various counties of the State to do away with the same by majority vote, giving a reasonable time (not less than four years) for such amendment to take effect.....	780
By Mr. HAMILTON, of Marshall: Of John C. O'Neil and 60 others, praying that all section lines be declared highways, in Marshall county.....	421
By Mr. HARTSHORNE: Of citizens of Neosho county, in reference to herd law.....	220
Also, of citizens of Neosho county, praying for an amendment to the herd law.....	616
Also, of the members of the Topeka Phonetic Society, and others, praying for the appointment of a commission to examine and report how far reforms in orthography may be wisely introduced into the public schools of Kansas,	780
By Mr. HELMICK: Of citizens of Cherokee county, praying for the passage of a prohibitory liquor law.....	220
Also, of citizens of Cherokee county, asking for the regulation of freights and fares on railroads.....	465
Also, of H. H. Angell and 161 others, citizens of Cherokee and Crawford counties, Kansas, asking for the passage of the bill appropriating money to the Neutral Land Defense Committee.....	833
Also, of D. Scranton and 115 others, citizens of Cherokee county, praying the Legislature to make an appropriation to the Neutral Land Defense Committee,	868
By Mr. HODGE: Of citizens of Dickinson county, protesting against any change of county lines.....	203
Also, memorial of C. C. Furlley, M. D., President, and other members of the Kansas Medical Society, praying for the passage of an act regulating the practice of medicine in this State.....	128
Also, praying for the passage of House bill No. 60, An act to regulate the practice of medicine in the State of Kansas.....	296
Also, of citizens of Dickinson county, asking that there be no change in the county lines.....	297
By Mr. HUMES: Of R. E. White and 115 others, praying for relief from payment of taxes on certain Agricultural College lands.....	109
Also, of R. C. White and 115 others, praying for the relief from taxation of certain Agricultural College lands.....	128
By Mr. KELLEY: For a constitutional amendment prohibiting the liquor traffic ...	371
By Mr. KELLER: Of citizens of Jackson county, for reduction of freights and fares on railroads.....	
By Mr. KENNEDY: Of Robert Tracy, Wm. Reeder, and 150 other voters of Doniphan county, asking the Legislature to pass a law to regulate freights and passenger fares on railroads.....	128
Also, of George Brenner and W. H. Nesbit, of Doniphan City, protesting against any change in the law regulating the sale of liquor.....	562

By Mr. KOLLOCK: Of citizens of Miami county, asking a constitutional amendment prohibiting the sale of intoxicating liquors.....	296
Also, of citizens of Marion county, Kansas, asking for legislation regulating tariffs on railroads.....	466
By Mr. LAWSON: Of C. O. Chapin and others, asking for the passing of a law forming a certain school district in Lyon county.....	128
Also, of certain citizens of Reno county, asking legislation reducing the fare and freight rates on railroads.....	129
Also, of the legal voters of Valley township, Reno county, Kansas, for a special act authorizing the Trustee to call an election to vote on the proposition to issue the bonds of the township for ditching purposes .....	371
Also, of citizens of Reno county, remonstrating against railroad legislation.....	549
Also, of citizens of Reno county, in relation to ditches and sluiceways.....	549
By Mr. LEGATE: Of the Sisters of Charity of the St. John's Hospital at Leavenworth.....	402
Also, of A. H. Von Luethorly, asking that our Senators be instructed and our members be requested to aid in the passage of a certain bill now before Congress.....	466
By Mr. LEONARD: Of citizens of Cowley county, in reference to agriculture.....	220
Also, of Frank Lowrey and 14 others, of Cowley county, offering a reward of \$5,000 for the best grain cutter and dryer, etc.....	466
Also, of certain citizens of Cowley county, praying that the provisions of the dramshop act be so amended as to apply alike to all cities and towns.....	616
By Mr. LOY: Of W. F. Hetherington, W. H. H. Wood, Granville Gates, and 133 others, citizens of Emporia, Lyon county, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation.....	868
Also, of A. J. Burdick, and 44 citizens of Central School District, Lyon county, Kansas, praying that the dramshop act be so amended that its provisions shall apply to all towns and cities alike, without distinction of class; and that petitions for licenses shall have a majority of signatures of males over twenty-one and females over eighteen years of age, and be published thirty days prior to presentation.....	868
By Mr. MANNING: Of T. B. Myers and 1,284 other citizens of Cowley county, asking for an amendment to the dramshop act, in accordance with the recommendation in the Governor's message.....	438
Also, of Mrs. Mary Kirk and 86 other residents of Cowley county, praying for an amendment to the dramshop act.....	616
By Mr. MARTIN, of Labette: In reference to the herd law in Labette county.....	834
Also, of citizens of Labette county, praying for a reduction of passenger rates on railroads to three cents per mile.....	835
By Mr. MCCLINTICK: Of citizens of McPherson county, Kansas, asking for the passage of a law regulating freights and fares on railroads.....	465
By Mr. McKAY: Of citizens of Elk township, Cloud county, Kansas, praying that the acts of the township officers of said Elk township be legalized.....	179
By Mr. McMILLEN: Of A. S. Baldwin and 75 others, in regard to regulating freights and tariff on railroads.....	179
Also, of 100 citizens of Douglas county, asking for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquor within the State .....	296, 297



Also, of citizens of Douglas and Johnson counties, asking for an amendment to the constitution prohibiting the manufacture and sale of intoxicating drinks within the State.....	371
Also, of sundry citizens of Douglas county, praying for an amendment to the State constitution prohibiting the manufacturing of intoxicating liquors, etc.....	513
Also, of sundry citizens of Douglas county, praying for a certain amendment to the State constitution.....	549
By Mr. MOORE: To enable Trustee of White Rock township, Republic county, to appropriate certain moneys for the building of a certain bridge.....	421
By Mr. MORGAN: Of citizens of Chase county, asking for the vacation of a certain State road .....	109
Also, of citizens of Chase county, asking for the vacation of a portion of a certain State road.....	109
Also, of 31 citizens of Chase county, asking for a law to vacate a portion of a certain State road in Chase county.....	128
Also, of 52 citizens of Chase county, praying for the passage of a law vacating a certain portion of a State road in Chase county.....	128
Also, of 115 citizens of Chase county, asking their Senator and Representative to vote for the Riggs railroad bill (No. 229), and praying for its passage, and asking that their names be stricken from the remonstrance against the passage of that bill, because their signatures were secured before they had read the bill.....	549
By Mr. PARSONS: Of citizens of Brown county, in reference to the school laws.....	220
By Mr. PRICE: Of 2,152 legal voters of the city and county of Atchison, remonstrating against any change in the present law concerning the liquor traffic, or the present regulation for obtaining licenses.....	513
Also, memorial of the Atchison, Topeka & Santa Fé Railroad Company, to the Senate and the House of Representatives of the State of Kansas.....	513
Also, of Robert Forbinger, praying for an appropriation.....	550
By Mr. PRUNTY: Of citizens of Pottawatomie county, asking the passage of a law regulating freight and passenger fares on railroads.....	145
By Mr. RICE: Of 44 citizens of Stewart township, Miami county, Kansas, praying that the dramshop act be amended so as to conform to the late message of Governor St. John .....	421
Also, of H. B. Smith and 93 others, of Miami county, praying the Legislature to pass a law authorizing the Board of County Commissioners of said county to levy a tax for the purpose of building a bridge across the Pottawatomie, 513	
By Mr. RIGGS: Of Robert C. Mallon and 585 others, asking a reduction of freights and fares on railroads.....	203
Also, of citizens of Douglas county, in reference to hedges and hedge-rows.....	220
Also, for a constitutional amendment prohibiting the liquor traffic.....	296
Also, of J. W. Robinson and 4,000 other resident freeholders of the State of Kansas, asking for an appropriation for the Kansas State Horticultural Society, 402	
By Mr. ROBB: Of citizens of Peoria township, Franklin county, praying that the dramshop act be amended so as to accord with the recommendation of Governor St. John in his late message.....	203
Also, of citizens of Franklin county, praying for a prohibitory liquor law.....	371
Also, presented a petition on fisheries, etc.....	575
By Mr. RICHARDS: Of citizens of Douglas county, praying for the passage of a law regulating freights and fares on railroads.....	220

Also, of citizens of the Twenty-third Representative District, in reference to a reduction in the matter of transportation of local traffic and travel on railroads.....	297
By Mr. SALLEE: Of 100 mechanics and artisans of Bourbon county, praying for an amendment to the exemption laws relating to labor performed by artisans.....	371
By Mr. SHAW: Of 200 citizens of Newton, for an amendment to the dramshop act, Also, of citizens of Olathe, Johnson county, Kansas, praying that the dramshop act be so amended as that its provisions shall apply to all towns and cities alike, without distinction of class.....	479 650
By Mr. SPILMAN: Of 115 citizens of Riley county, praying for the enactment of a strict prohibitory liquor law .....	616
By Mr. STEWART: Providing for a change in a State road.....	161
Also, of J. Paulson and others, of Fort Scott, in favor of prohibition.....	421
By Mr. STITT: Of George Graham and 143 citizens of Nemaha county, asking an amendment to the dramshop act.....	465
By Mr. STUMBAUGH: Of citizens of Rush county, praying for the enactment of a law which will give the settlers in newly-organized counties the benefit of public schools.....	616
Also, of citizens of Rush county, praying for the passage of a bill allowing their County Commissioners to fund the floating debt of said county.....	617
By Speaker CLARKE: Of W. I. Fleenor and 207 other citizens of Atchison, for an amendment to the dramshop act.....	500
Also, of John Walruff and 81 others against any change in the liquor law.....	542
Also, of H. S. Hocking and 60 others, citizens of Walton, Harvey county, Kansas, praying that the dramshop act be so amended as that its provisions shall apply to all towns and cities alike.....	562
Also, of Drusilla Wilson and others, of Miami county, asking for an entire prohibitory liquor law.....	832
By Mr. TAYLOR: To amend the constitution in regard to the manufacture and sale of intoxicating liquors.....	203
Also, of citizens of Clay county, praying for a change in the dramshop act.....	512
By Mr. TUCKER: In reference to school-district matters.....	161
By Mr. WAIT, of Lincoln: Of B. F. Smith and others, praying for a prohibitory liquor law.....	179
By Mr. WALKER: Of D. V. Sprague and 62 others, in relation to a prohibitory liquor law.....	421
Also, of citizens of the Sixty-eighth Representative District, in reference to freights and tariffs on railroads.....	145
By Mr. WATSON: Of citizens of Lyon county, asking legislation to enable them to build bridges.....	296
By Mr. WILLEY: Of E. L. Hubbs and 134 others, against the passage of House bill No. 229.....	542
By Mr. WILSON, of Jackson: From David Todd and 184 others, to regulate dramshops.....	439
By Mr. WILSON, of Nemaha: Of M. L. Wilson and 129 other citizens of Nemaha county, praying for an amendment to the dramshop act.....	601
By Mr. WOODARD: Asking a constitutional amendment prohibiting the liquor traffic.....	296

By Mr. WRIGHT: Of certain citizens of Buffalo county, praying that no change be made in the boundary lines of said county .....	128
Also, of 390 citizens of Ford county, Kansas, to the Senate and House of Representatives of Kansas, asking for a reduction of passenger fare and freight rates on the A. T. & S. F., and other railroads of this State, so as to compare with the same on Eastern railroads.....	179
Also, of Henry Duencke and 500 others, against the prohibitory or "Maine liquor law" .....	743

## ALPHABETICAL INDEX.

### A.

Adjournment of House, without a quorum.....	510
Allen vs. Spilman—contest case.....	128
Majority report of Committee on Elections.....	655
Minority report of Committee on Elections.....	656
Testimony taken before Committee.....	657
Final proceedings in case.....	727
Annexation of Kansas City, Missouri, to Kansas.....	106
Visit of committee from Kansas City .....	1100
Speech of welcome by Speaker Clarke.....	1100
Anthony, ex-Governor Geo. T.—report to Legislature .....	306
In relation to State claims.....	308
In relation to school lands.....	310
In relation to decision of United States Commissioners.....	316
In relation to appointment of commissioner to select lands .....	316
In relation to school moneys .....	317
In relation to salt spring lands.....	321
In relation to Normal School lands .....	323
In relation to trial and conviction of State agent.....	325
In relation to Emporia State Normal School.....	327
In relation to management of school lands.....	327
In relation to executive pardons.....	328
In relation to fugitives from justice.....	329
In relation to "railroad strike" .....	330
In relation to liabilities incurred by strike.....	332
In relation to State armory.....	332
In relation to inter-State relations.....	333
In relation to Indian raid.....	337
In relation to correspondence with Governor Bishop, of Ohio.....	338-346
In relation to railroad strike on Atchison, Topeka & Santa Fe Railroad .....	346
In relation to proclamation of Governor.....	350
In relation to report of pardons granted.....	354-362
In relation to report of commutations.....	362
Arms, asking that they be furnished settlers.....	433
Attorney General Davis, opinion of.....	449, 470

## B.

Baker, Hon. F. P., voted for for Public Printer .....	122
Blaine, W. J., candidate for Doorkeeper.....	48
Brandley, Hon. Henry, Secretary of the Senate.....	32
Bribery, to provide for the punishment of.....	892
Burke, C. J., candidate for Assistant Doorkeeper.....	51, 52

## C.

Calderwood, Hon. Geo. O., invited to lecture on temperance.....	109, 140
"Callen resolution"—see Senatorial investigation.....	1291
Capital Guards, of Topeka, communication from.....	562
Carter, John, candidate for Assistant Doorkeeper.....	51, 53
Chairman, election of Mr. Hodge as temporary.....	8
Chaplain—	
Election of temporary, Rev. T. W. Henderson.....	32
Election of Rev. J. G. Eckles.....	37
Acting temporary, Rev. Blakesley, of Topeka.....	87
Acting temporary, Rev. Bishop, of Salina.....	178
Acting temporary, Rev. Gilbert, of Topeka.....	185
Acting temporary, Rev. C. Monjeau.....	37
Cheyenne Indian raid.....	365, 452, 521, 1038
Chinese bill, petitioning the President to sign the.....	839
Clarke's, Speaker, vote on House bill No. 229, explanation of.....	607
Clerks—	
Chief, election of Wirt W. Walton.....	28
Chief Assistant, election of Ed. W. Waynant.....	29
Journal, election of J. C. Hebbard .....	33
Docket, election of C. E. Westling.....	36
Engrossing, election of Miss Maria Cheeny.....	34
Enrolling, election of Miss Emma Ferguson.....	35
Minute, appointment of D. B. Emmert.....	86
Temporary, Messrs. Gilmore and Blackman.....	9
Clerk's Legislative Manual—Instructing Wirt W. Walton, Chief Clerk, to prepare and have published.....	450, 470
Coal shaft at State Penitentiary.....	149
Cochran, W. E., candidate for Assistant Chief Clerk .....	29, 30
Committees, standing, appointment of.....	125
Communications—	
From Journal Clerk.....	59
From Judiciary Committee.....	140
From Sisters of Bethany College.....	451
Constitutional convention, providing for—see Senate joint resolution No. 7.....	861
Contest cases—	
Allen vs. Spilman.....	128, 655, 656, 657, 727
Hafer vs. Rood.....	445
Counties, unorganized, criminals in.....	364
Crawford, Samuel J., in relation to pay for services.....	70

## D.

Davis, John, candidate for Assistant Doorkeeper .....	53
Dodsworth, Samuel, voted for for State Printer.....	122
Doorkeeper—	
Election of R. E. Jenness.....	48
Election of Assistant, John Donahue.....	51

## E.

Early, W. H., candidate for Assistant Sergeant-at-Arms.....	42
---	----



Eagleson, W. L., elected Assistant Doorkeeper.....	51
Eddy, S. H., candidate for Sergeant-at-Arms.....	40
Emmert, D. B., candidate for Chief Clerk.....	28
Evans, D. J., candidate for Assistant Chief Clerk.....	29
Executive Department, contingent fund.....	305

## F.

Fences, relating to barbed wire—see House bill No. 361.....	530
Fort Riley military reservation.....	365, 432
Fosnot, W. E., candidate for Docket Clerk.....	36

## G.

Greenback, resolutions—see House concurrent resolution No. 20.....	174
Governor's annual message.....	64
Guard, providing for National .....	1020
Guards, Capital, invitation from.....	562

## H.

Hafer vs. Rood, contest case.....	128, 167, 445
Hammond, J. R., candidate for Assistant Sergeant-at-Arms.....	41
Henderson, Rev. T. W., temporary Chaplain.....	32
Henderson, Rev. T. W., elected to succeed Mr. Eckles.....	295
Hewitt, N. F., candidate for Sergeant-at-Arms.....	40
Higgins, Hon. Wm., elected Sergeant-at-Arms.....	40
Higgason, F. M., candidate for Assistant Sergeant-at-Arms.....	42, 51
Historical Society, report of.....	233
Hodge, Mr., election of as temporary chairman.....	8
Horticultural Society, State, message in relation to.....	430
Horr, L., candidate for Doorkeeper.....	48, 49

## I.

Ijams, J. W., candidate for Doorkeeper.....	48
Indian raid, Cheyenne, 1878.....	207, 337, 365, 1038
Ingalls, Hon. John J., elected U. S. Senator.....	186-201
Insane Asylum—see House concurrent resolution No. 12.	
Investigation, Senatorial—	
“Clapp resolution”.....	227
“Seaton resolution”.....	228
“Callen resolution”.....	1291
“Riggs resolution”.....	1294
Other proceedings.....	294, 435, 497, 569, 603, 608, 805, 823, 841, 1085, 1291, 1294
Reports of committee.....	1103-1213, 1257, 1259, 1291
Testimony—	
Of Representative G. L. White.....	1113
Of J. S. Danford.....	1115
Of Representative W. S. Wait .....	1118
Of Representative H. T. Anderson.....	1122
Of Representative C. J. Brown.....	1127
Of Representative T. J. Raybell.....	1129
Of Representative J. B. Clogston.....	1130
Of Representative H. C. Fisler.....	1133
Of Frank Playter.....	1135, 1179
Of Representative E. W. Majors.....	1148, 1183
Of F. M. Shaw.....	1149
Of E. H. Brown.....	1151
Of Representative J. A. Hossack .....	1153

## Investigation, Senatorial—(Continued.)

## Testimony—

Of John Francis.....	1166
Of J. S. Merritt.....	1169, 1206
Of Senator P. I. B. Ping.....	1174
Of Senator J. R. Hallowell.....	1175
Of Joseph C. Wilson.....	1176
Of Representative Chas. H. Miller.....	1185, 1191, 1221
Of Representative Thos. P. Gable.....	1187
Of Joseph G. Pangborn.....	1188
Of Geo. A. Eddy.....	1190
Of Representative Wm. R. Henderson.....	1192
Of Representative Geo. T. Bevins.....	1193
Of Representative John M. Hutchison.....	1194
Of John Puterbaugh.....	1196
Of Representative Wm. Congdon.....	1198
Of Representative Geo. W. McClintick.....	1199, 1201, 1203, 1205
Of N. H. Coates.....	1200, 1204
Of S. F. Tolle.....	1201
Of John D. Knox.....	1206
Of R. B. Shaddock.....	1207
Of Chas. Collins.....	1207
Of Representative Chas. E. Faulkner.....	1208
Of Dr. Silas E. Sheldon.....	1208
Of A. A. Thomas.....	1209
Of S. N. Wood.....	1211
Of Representative Joseph Donahue.....	1213
Of Geo. F. Sharitt.....	1214
Of Representative T. B. Ellison.....	1215
Of Representative R. B. Armstrong.....	1216
Of Representative John Bissell.....	1217
Of Representative L. M. Briggs.....	1219
Of S. M. Strickler.....	1221
Letter from Hon. Albert H. Horton.....	1228
"Stumbaugh resolution".....	1231, 1257
Adoption of majority report of Messrs. Hartshorne, Callen, and Keller.....	1259
Instructing Chief Clerk of House to furnish certified copy to State Printer.....	1261
Ivey, I. H., candidate for Assistant Doorkeeper.....	53

## J.

Joint convention to elect State Printer.....	120
Joint convention to elect U. S. Senator.....	186, 188, 193, 198, 201
Joint session to hear Governor's annual message.....	62
Joint rules of Senate and House.....	102

## K.

Kansas river, relating to the survey of.....	920
Kansas City, Mo., annexation of, to Kansas.....	106, 1100
Knights Templar, of Topeka, communication from.....	294
Kingman county—authorizing it to issue bonds.....	548
Kunkel, Jerome, candidate for Assistant Sergeant-at-Arms.....	41

## L.

Legate, Hon. Jas. F., acting temporary Speaker.....	1018
Legislative manual, authorizing compilation of.....	450
Long, Hon. D. B.—Fish Commissioner's report.....	174
Lucas, David, elected Postmaster.....	55
Lyon, Jno. B., candidate for Assistant Doorkeeper.....	53

## M.

Manual, Clerk's, Legislative, providing for.....	450
Martin, Hon. Geo. W., reelected State Printer.....	123
McCray, D. O., candidate for Doorkeeper .....	48, 49
Message—	
Governor St. John's annual.....	64, 155
In relation to Indian raid.....	64
In relation to outrages committed by lawless savages.....	65
In relation to the duty of the hour.....	65
In relation to military contingent fund .....	66
In relation to finances of the State.....	66
In relation to bonded debt of the State.....	67
In relation to State Penitentiary.....	68
In relation to prison labor, etc.....	69
In relation to Asylum for the Blind.....	69
In relation to Asylum for the Insane.....	70
In relation to public schools.....	71
In relation to State Normal School at Emporia.....	71
In relation to State University .....	72
In relation to Agricultural College.....	72
In relation to State Board of Agriculture .....	73
In relation to Insurance Department.....	73
In relation to Commissioner of Fisheries.....	73
In relation to public lands.....	74, 75
In relation to Price raid claims.....	76
In relation to railroad fares and freights.....	78
In relation to temperance, recommendations.....	79
In relation to Senatorial election.....	80
In relation to appropriations for State.....	81
Concluding remarks.....	81
Mileage of members .....	300
Mississippi Cane-Growers' Association, communication from.....	597

## N.

National Guard, providing for organization and enrollment of.....	1020
Normal Academy of Music.....	1370
Normal School, Emporia—see Senate bill No. 41.....	920
Normal School lands—see Senate bill No. 103.....	869

## O.

Organization of the House, temporary.....	8
---	---

## P.

Pages, election of—	
Master Harlan Cummings.....	59
Master Geo. W. Stafford.....	59
Master John Johnston.....	59
Master Clarence Fleischer.....	59
Master Wilbert Glasscock.....	59
Miss Inez Lincoln.....	59
Miss Louisa Smith .....	59
Miss Myrtle Swafford .....	59
Penalty, in relation to the death—see Senate bill No. 55.....	618
Political parties allowed use of hall.....	106
Political resolutions.....	152
Postmaster, election of.....	55
Printer, election of Geo. W. Martin as State.....	123

Pratt, I. V., elected Assistant Sergeant-at-Arms.....	41
Protest of W. A. Morgan against passage of certain bills.....	1310
Public Lands, report of Register of.....	208
Public Lands, report of Committee on.....	1284

Q.

Quantrill raid losses, relating to—see Senate concurrent resolution No. 21.....	507
---	-----

R.

Railroads—

Relating to freights and fares—see House bills Nos. 72 and 399.....	85, 130, 888
Required to report earnings.....	43, 366
Raybell-Anderson resolution of expulsion.....	1294
Revenue—raising, for 1880 and 1881—see Senate bill No. 198.....	1291
Revision of statutes, concerning.....	85

Rules—

Of 1877, adopted temporarily.....	10
Adopted for standing, for the session.....	89
In relation to meeting and quorum.....	89
In relation to admissions to the floor.....	89
In relation to officers.....	89
In relation to committees.....	91
In relation to journal, and order of business.....	93
In relation to general and special orders.....	93
In relation to precedents and decorum.....	94
In relation to printing.....	97
In relation to committee of the whole.....	97
In relation to Cushing's Manual.....	97
In relation to engrossing and enrolling departments.....	99
In relation to admissions to the floor.....	105

S.

Senatorial election—see proceedings.....	184, 186, 188, 193, 198, 201
Sergeant-at-Arms, election of Wm. Higgins.....	40
Sergeant-at-Arms, Assistant, election of I. V. Pratt.....	41
Sherman's money policy indorsed.....	152
Smith, E. L., Manager of Western Union Telegraph Company, in contempt as a witness before investigation committee.....	570, 603, 806
Smith, Ed. R., Sergeant-at-Arms of the Senate.....	32
Smith, W. M., candidate for Assistant Doorkeeper.....	51, 52
Smoking prohibited in hall of House.....	62
Speaker, election of Hon. Sidney Clarke.....	25
Speaker <i>pro tem.</i> , election of Hon. Jno. M. Price.....	27
Statutes, Dassler's, relating to—see House joint resolution No. 1.....	135
Stevenson, R. S., Assistant Sergeant-at-Arms.....	41
Stewart, W. N., Assistant Sergeant-at-Arms.....	42
Strickler, S. M., Assistant Secretary of the Senate.....	411
Sweeney, B. F., candidate for Sergeant-at-Arms.....	40

T.

Taxes, one mill for school purposes—see House bill No. 305.....	453
Temperance—	
Resolutions.....	156, 203
Committee allowed a clerk.....	365
Temporary organization of House.....	8, 9
Texas Pacific Railroad subsidy—see House concurrent resolution No. 30.....	432
Topeka, thanking the people of.....	1325



## V.

Valentine, Hon. D. M., Associate Justice, administering oaths to members.....	8
Valentine, D. A., communication from, as secretary of Capital Guards.....	562

## W.

Walton, Wirt W.—	
Elected Chief Clerk.....	28
Resolution of thanks.....	1351
Walton, Tell W., legalizing a survey made in Wellington.....	617
Waynant, Ed. W., elected Assistant Chief Clerk.....	29
Ward, W. H., private secretary to the Governor.....	412
Westling, C. E., elected Docket Clerk.....	36
White, Hon. W. H., resolution exonerating .....	129
Woodruff, Clarence, candidate for Assistant Chief Clerk.....	29

---

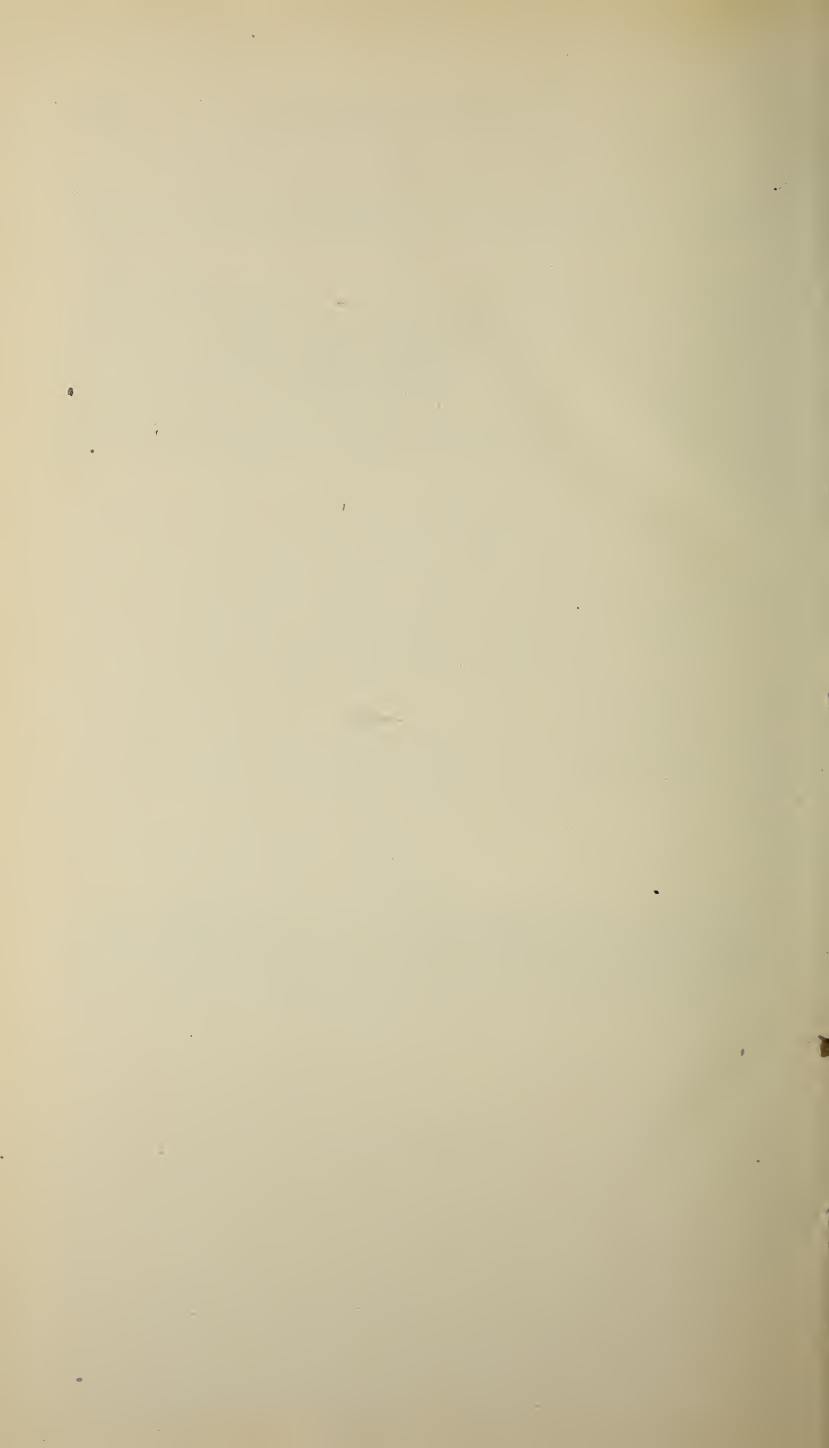


---

ERRATA.

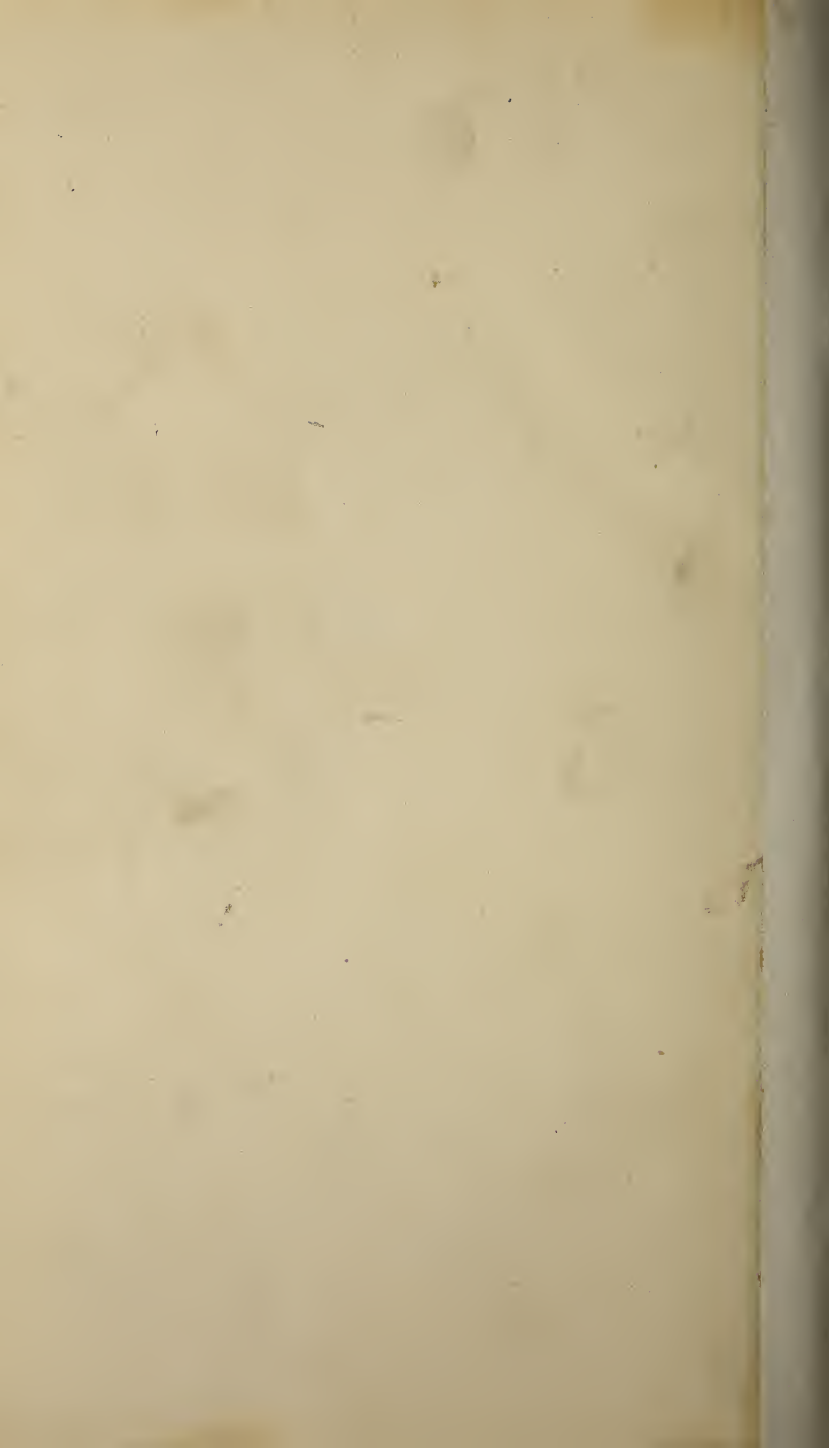
Page 56, House concurrent resolution No. 1, should read, Senate concurrent resolution No. 1; page 195, Mitchell, 5th line from top, should read, Phillips; page 199, error to have Senator Morrill recorded as voting for Mr. Ingalls for Senator; page 471, House joint resolution No. 27, should read, House concurrent resolution No. 27; page 737, Senate bill No. 13, should read, House bill No. 13; page 1279, House bill No. 198, should read, Senate bill No. 198; page 1281, House bill No. 167, should read, Senate bill No. 167.













Made in Italy

11-13 STD



8 032919 991409

[www.colibrisystem.com](http://www.colibrisystem.com)

UNIVERSITY OF ILLINOIS-URBANA



3 0112 107048891